

JAMES MONTGOMERY,

1813-1871

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PREFACE

This is the story of James Montgomery a Kansas jayhawker who had the courage and conviction to stand firm against the prevailing temperment and defend what he believed to be right. For this he won love and admiration from some Americans, and drew the resentment and fear of others. He desired freedom for himself, but more importantly he desired freedom of choice for all the oppressed. When this could not be gained by ballots and man-made laws, he drew from a deep well of moral convictions and acted accordingly. "This much I think I may safely say:" Montgomery once wrote, "It is always right to do right, and I am sure it is right to 'Break every yoke, and let the oppressed go free.' It is right because God Commanded it, 'And shall not the judge of all the earth do right?'"

The purpose of this study is to view a man responding to the circumstances of his time, not to unduly condemn or praise, but, to understand. The man to whom I am indebted for suggesting this study, Dr. Dudley Cornish, Kansas State College of Pittsburg, wrote of this solitary figure:

James Montgomery was a primitive patriarch uninhibited by any effete Eastern notions of the rules of civilized warfare, and his Old Testament kind of warfare was completely at odds with the Harvard tradition of fair play. To New England romantics, war was a kind of game, played according to definite rules. Montgomery, with fanatic realism, made his own rules. Higginson, the romantic, had raised money to send Sharps rifles to Kansas in the fifties. Montgomery, the realist, had used them.

The reader's personal standards will ultimately be the guide by which Montgomery's actions will be judged.

Even for the most sympathetic reader, many of Montgomery's actions will be difficult, if not impossible, to justify. Kansas became a free state not as a result of the bloody warfare between the Kansas jayhawkers and the Missouri border ruffians, but by thousands of enduring, peaceable, law abiding citizens from the North and from Missouri. But Montgomery acted not in response to what historians record and accept as history, but the exigency of the moment in Kansas Territory. Law and order was in the hands of those appointed officials who had only one objective, that Kansas was to be a slave state. The Missouri border ruffians took improper advantage of this opportune legal control and thereby unknowingly persuaded many Kansas free state men to yearn for a hardhanded "primitive patriarch." For better or for worse, Montgomery rose from the ranks of the common man and responded to that call for leadership.

There are many problems about Montgomery's life I can never clear up. Blank spots appear in this study of his life, such as the nearly 20 years he spent in Kentucky. But as an historian attempting a true biography the blanks must remain blank, and not idle speculation. On the other hand, there are days and weeks of his life so crowded with documented activity it was difficult to present it in a meaningful way.

In an attempt to bring a warmer life to the cold black and white documents, I traveled to view the land as Montgomery saw it. I visited Montgomery's birthplace in a quiet sleepy valley along the Grand River in Ohio, where a covered bridge still protects the wooden planks across the river. I tried, in vain, to find the slightest trace of Mont-

gomery's activities in the Licking River Valley of Kentucky. From the mouth of the Licking River, one can look across the river to Cincinnati, Ohio and sense the feeling Montgomery must have had for those in bondage who were separated from freedom by a treacherous watery fence. I visited Fort Montgomery in Mound City, Kansas where only a fragment of a step and a historical sign remind the casual visitor of past glories. I visited his grave in the small National Cemetery near his home. The simple military marble marker gave only his name and "34th USCT." I visited the numerous battle sites along the Kansas-Missouri border where he and his sons fought and lived to tell the awesome tale. How often I wished the many silent sentinels along the way could speak and help me fill the many blank pages of Montgomery's life, but they remained silent.

My thanks must first be given to my wife Joleyne Holman. She has shared her life for the last few years with a 160 year old stranger. By reading, listening, and criticizing, she helped me make James Montgomery clearer to the reader. She has also sacrificed invaluable hours from our son Doug and daughter Dawn in order to work so that I might devote full time to study and research. For continued encouragement over many years and generous financial aid, my mother, Georgia Curry, is due a heartfelt thanks. Miss Cleetis Headlee of Missouri Southern State College gave up many hours of a summer vacation reading, correcting, and improving in numerous ways the contents of this study. Dr. Robert Markman, also of Missouri Southern State College, traveled with me on a James Montgomery tour, increasing immensely the achievements of that trip. To numerous librarians I owe many thanks, but especially Mr. Roscoe Pierson, Bosworth Memorial

Library at the Lexington, Kentucky Theological Seminary; Mrs. Virginia R. Howley, Western Reserve Historical Society, Cleveland, Ohio; Mr. Richard W. Ryan, Special Collections Librarian, Ohio University; and Mrs. Patricia Gatherum and Mrs. Marion H. Bates at the beautiful and functional Ohio Historical Society at Columbus. To county clerks, recorders of deeds and service station attendants that kept me from getting lost, God bless you every one. To the numerous citizens of Mound City, Kansas who invited me into their homes and took time to answer many questions and share with me stories, pictures, and clippings, I not only thank you, but encourage you to gather, protect, and preserve the history that your community has witnessed.

Finally I want to express my gratitude to all the professors and graduate students I have been associated with at Oklahoma State University. You have given me something more than professional training, your warmth, understanding, and patience will be long remembered. Dr. Norbert Mahnken, Dr. LeRoy Fischer, Dr. Odie Faulk, and Dr. Robert Brown command my special respect for their assistance and direction of this thesis.

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CHAPTER I

EARLY YEARS IN OHIO AND KENTUCKY

James Montgomery was born December 22, 1813 in that part of Ohio formerly known as Connecticut's Western Reserve. Little is known about his life from that time until 1854 when he emerged as a leader of the free state cause in Kansas Territory. The sparse information that is available about James Montgomery during these years came from the pens of numerous individuals who knew him in Kansas. The various sources are in substantial agreement and there is little reason to distrust their accuracy. The source of his behavior appears to be grounded in the Old Testament moral code of "an eye for an eye and a tooth for a tooth." His rigid Puritanical sense of right and wrong coupled with his strong abolitionist feelings, which permeated the Western Reserve from its very beginnings, determined Montgomery's actions and gave moral justification for his behavior.

In the spring of 1800, a small party of resolute settlers landed at the mouth of Conneaut Creek, which empties into Lake Erie at the northeastern tip of present day Ohio. This was the second body of settlers to find their way to the isolated Western Reserve which had been a colony of Connecticut until that year. Immediately after the Greenville Treaty of 1795, the Connecticut legislature sold its Western Reserve lands as a money making project for its public school fund. Moses Cleaveland, one of the largest stockholders in the land company

that purchased most of the Western Reserve, led a survey team into the area in 1796. Settlement was slow and scattered due in part to the way the stockholders received their shares of the land. After the surveys were made and the plats numbered, corresponding numbers were placed on slips of paper in a box and the stockholders drew out slips according to the value of their investment. Members of the original survey party found this country so rough that few of them returned to the Reserve. Moses Cleaveland never returned.¹

The first permanent settlers arrived along Conneaut Creek in 1798. With the arrival of the second party in 1800, the total number of settlers in the area reached approximately fifty. The father of James Montgomery, also named James, his wife Mary, and their four children were among the new arrivals from Buffalo, New York. The Montgomery family built a crude cabin on the east side of Conneaut Creek close to the windy shores of Lake Erie. James Montgomery made his living by operating a boat on the lake. With the aid of his wife, he also maintained his home as a tavern and inn for the accommodation of new arrivals in the community of Conneaut.²

James Montgomery could trace his Scottish ancestors to the time of King James V who died in 1542. Gabriel Montgomery commanded a company of Scottish Highlanders assigned to the retinue of the daughter

¹Harlan Hatcher, The Western Reserve: The Story of New Connecticut in Ohio (Indianapolis: The Bobbs-Merrill Company, Inc., 1949), pp. 44-46.

²William W. Williams, History of Ashtabula County Ohio With Illustrations and Biographical Sketches of its Pioneers and Less Prominent Men (Philadelphia: Williams Brothers, 1876), pp. 26, 145.

of James V, Mary Stuart. When James sent Mary to Paris to be educated in the household of Henry II, King of France, Montgomery's colorful Scottish company added an extra touch to the elaborate French court. A captain of the Scottish Guard, Montgomery won the favor of Henry.

Francis, the young son of Henry II, was pledged to marry Mary Stuart. The marriage took place on April 24, 1559, followed two months later, on June 29, by a great celebration near the Bastille. Having earlier knighted Gabriel Montgomery, Henry challenged him to a joust. Count de Montgomery reluctantly accepted the proposal of the insistent King. During the encounter Montgomery's lance broke and the splintered end struck the helmet of the King and pierced the brain. Henry II died several days later on July 10, 1559. Mary Stuart and her husband Francis II became the new sovereigns of France and Mary also was Queen of Scots and a claimant of the English throne. Her young husband died in December, 1560, leaving her only Queen of Scots. Henry's wife, Catherine de Medici, and her son Charles IX, who became king of France, planned and carried out the massacre of Saint Bartholomew's Day on August 24, 1572 in which a large percentage of the Huguenots in France were murdered. Count de Montgomery, a Presbyterian, was in sympathy with the Huguenots, but he escaped to Scotland. He later returned to France with ships to help the persecuted. This time he was captured and, because of his aid to the Huguenots plus the fact that Catherine de Medici had not forgiven him for being the cause of Henry II's death, he was put to the axe May 27,

1574.³

The Montgomery family again became prominent at Dublin, Ireland in the eighteenth century. Thomas Montgomery, a member of the British parliament, had three sons who graduated from the University of Dublin. One of the sons, Richard Montgomery was killed during the American Revolution while leading the colonial attack on Fort Quebec, December 31, 1775. The other sons fought at Bunker Hill on the American side. One of these two sons lived in New Hampshire where James Montgomery's father was born.⁴

In the best American tradition the Montgomerys migrated west. They brought with them into the Western Reserve their Scotch-Irish blood, Congregational religion, and Federalist politics. The Western Reserve took on a distinctive New England character in both politics and religion. The harsh climate, rough country, and thick forest kept the number of settlers small and isolated the Western Reserve from the southern part of the Northwest Territory. Neither did economic opportunity lure large numbers of settlers to the area.⁵

In spite of all difficulties, political organization became a reality. The Northwest Ordinance of 1787 was on trial. Active in politics at the local level, James Montgomery held numerous political

³William Ansel Mitchell, Linn County, Kansas A History (Kansas City: Privately printed, 1928), pp. 15-16; Edward T. Blair, Henry of Navarre (Philadelphia: J. B. Lippincot Company, 1859), pp. 35, 116.

⁴William Ansel Mitchell, Linn County, Kansas A History, p. 16.

⁵Harlan Hatcher, The Western Reserve: The Story of New Connecticut in Ohio, pp. 62-63.

positions. He served as township clerk, supervisor of highways, constable, trustee, lister, justice of the peace, and county commissioner. His most important political post came to him in 1807 when he was elected to the state legislature as a representative of Trumbull and Geauga Counties. His political impact on the state was slight as the Jeffersonian Republicans controlled the populous parts of the state. More accessible by the Ohio River, the southern half of the state attracted large numbers of Southerners to the new state. The voters of the Western Reserve and more specifically those in the northeastern portion of the Reserve, remained out of harmony with the major political party in the state. Political action centered at the state capitol in Chillicothe, located in the old Virginia Military District in the southern portion of Ohio. Men like Thomas Worthington, a transplanted Virginian and Jeffersonian Republican, dominated both the economic and political destiny of the state until the emergence of the Jacksonians.⁶

James Montgomery attended the sixth legislative session which met December 7, 1807 and adjourned February 22, 1808. The legislature settled a disputed gubernatorial election between the incumbent Jonathan Meigs, a Jeffersonian, and his opponent. Montgomery voted against Meigs who, however, won by a wide margin. The legislature also passed an act requiring every male person of military age to annually turn in to the clerk of his township 100 squirrel scalps. Of greater historical importance was an amendment to the Ohio black laws. The amendment prohibited blacks or mulattos from taking residence in any

⁶William W. Williams, History of Ashtabula County Ohio, pp. 161, 235; Alfred Byron Sears, Thomas Worthington: Father of Ohio Statehood (Columbus: Ohio State University Press, 1958), pp. 1-260 passim.

county without first posting a five hundred dollar bond with the clerk of the county, and the approving signatures of two freeholders of the county. If no bond was given and they moved into the county, the black migrants might be placed in custody of the overseer of the poor and their services sold to the highest bidder. Persons who harbored or concealed blacks were subject to a one hundred dollar fine. Also, blacks were not allowed to serve as witnesses against whites in a court of law. There is no record of Montgomery's vote on the amendment, but it is unlikely he supported the measure.⁷

Religious thought in the Western Reserve reflected the New England pattern. The Reverend Joseph Badger organized the first church in the Western Reserve in a barn in Austinburg. Badger recorded in his journal that James Montgomery and his wife Mary were admitted into the membership of this Congregational church in October 1801. The membership of this first organized church consisted of "10 male and 6 female members."⁸

The War of 1812 brought added burdens to the settlers in the Western Reserve. Fearing both Indian and British attacks, numerous settlers who lived along the lake shore moved inland. The United States military did very little to protect the settlers in the area, so each family was left to provide its own protection. Concerned with these problems and his wife's pregnancy, James Montgomery moved his

⁷ William A. Taylor, Ohio Statesman and Annals of Progress from the Year 1788 to the Year 1900, Vol. I (Columbus, Ohio: Westbote Company, State Printers, 1899), pp. 52-54.

⁸ Joseph Badger, Memoir of Reverend Joseph Badger (Hudson, Ohio: Sawyer, Ingersoll, and Company, 1851), pp. 77-78; William W. Williams, History of Ashtabula County Ohio, pp. 189, 207.

family inland from Conneaut to Mechanicsville. In this small settlement, nestled in a bend of Grand River, Montgomery first looked on the face of his newborn son and christened him James, keeping existent a long tradition in the Montgomery family.⁹

The formative years of young James Montgomery's life were spent in and around Mechanicsville. Grand River and its branches provided the residents of Ashtabula County a convenient means of transportation and communication. A large mill located at Mechanicsville provided a vital service for the settlers as far as the western end of Pennsylvania. In the winter, when Grand River and its tributaries were frozen, sleds filled with grain were as common a sight to young James Montgomery as were rafts and flatboats in warmer weather.¹⁰

As the residents of Mechanicsville prospered from the trade stimulated by the mill, more settlers were attracted to the area. The elder James Montgomery divided his holdings into one acre tracts and sold them for as much as twenty-five dollars an acre. Typical of the Jacksonian years, economic ambitions encouraged the Montgomery family to move to greener pastures. While the young James Montgomery approached manhood, the family moved to Denmark Township approximately twelve miles east of Mechanicsville. The Montgomery family accumulated several hundred acres of land in Ashtabula County and their business centered around cattle, grain, and land speculation. Evidence indicates that both the young James Montgomery and his father served as itinerant ministers in

⁹ Ibid., p. 145; Harlan Hatcher, The Western Reserve: The Story of New Connecticut in Ohio, p. 153.

¹⁰ William W. Williams, History of Ashtabula County Ohio, p. 188.

the Western Reserve, sometimes in company with Reverend Joseph Badger, preaching to both whites and Indians. Also, during that time, young James Montgomery attended one of the numerous academies which sprang into existence in the Reserve following the War of 1812. True to the New England emphasis on education, most of the larger communities such as Conneaut, Ashtabula, and Austinburg established academies for the training of their young men, and in the case of Oberlin, their young women as well. The records of the Academy of Ohio University at Athens indicate that a "Montgomery" attended during the summer term 1832, winter term 1832-1833, and summer term 1833.¹¹

Following the death of his father in 1834 and the completion of his education, James Montgomery set out to make a life of his own. In 1837 Montgomery crossed the Ohio River into Kentucky and settled in the Licking River valley region just south of Cincinnati, Ohio. Influenced by the preaching of Alexander and Thomas Campbell, who had visited the Reserve, Montgomery became a minister in the new sect, the Disciples of Christ. He followed the movement to one of its strongest centers, the area around Lexington, Kentucky. Preaching the new faith that stressed democratic simplicity and harmony rather than abstruse theology produced converts but not an income adequate to the needs of daily existence. Being well educated, Montgomery established himself as a school teacher and tutored the children of the wealthy plantation

¹¹Record of Deeds, Austinburg, Ohio, Book B, page 463; Deed Book, Highland County, Ohio, Book 4, 10, 13, 14; David M. McBride and Jane N. McBride, Records of the Recorder's Office of Highland County, Ohio, 1805-1850 (Ann Arbor, Michigan: The Edwards Letter Shop, 1969), pp. 204, 225; Academy of Ohio University registration records, University Archives, Ohio University Library, Athens, Ohio.

owners along the Licking River.¹²

His first marriage was to the daughter of a slaveholder, but she died leaving him with two small children, James and Nancy. Soon after his first wife died he lost all of his property including a dam and a saw mill as a result of a heavy flood. At the home of her parents in West Liberty, Kentucky, on July 25, 1844, Clarinda Evans became James Montgomery's second wife. Even though Montgomery seldom mentioned his wife and children in his correspondence, Clarinda, uneducated and of "simple manners," became the mother of seven of his children.¹³

Kentucky was the birthplace of five of his children, but Montgomery's New England mind found it difficult to accommodate itself to the institution of slavery. He grew dissatisfied with living in a land where his friends and neighbors increasingly felt obligated to defend the institution of slavery. Montgomery had been a strong supporter of Cassius Clay and his radical abolitionist paper in Lexington but the growing pro-slavery sentiment in the area forced the closure of Clay's newspaper office. Montgomery, a moderate freestate man, grew weary of trying to compete with slave labor. He found himself unable to improve his economic condition in Kentucky and finally determined to

¹²A. T. Andreas, History of the State of Kansas (Chicago: Privately printed, 1883), p. 302; William Ansel Mitchell, Linn County, Kansas, p. 15.

¹³Kansas Territorial Clippings, Vol. II, 1857-1860, pp. 329, 354, Kansas State Historical Society, Topeka, Kansas; The Elwood Free Press, Kansas, December 15, 1860, p. 1; "Widows Claim for Pension," dated 15 January 1872, James Montgomery's pension records, General Service Administration National Archive and Record Service, Washington, D. C.

move where he hoped economic opportunity would be abundant.¹⁴

In 1852 Montgomery moved his wife and five children farther west in the hope of finding a new land less bound to slavery. Leaving the Licking River valley, the Montgomery family traveled north on the Licking River and west on the Ohio to the Mississippi. They reached Pike County, Missouri, sometime in 1852 and remained there for approximately a year. Julia became the eighth member of the Montgomery family while they lived in Pike County. Still unhappy about living in a land committed to slavery, Montgomery moved west to Jackson County, Missouri, in 1853 to wait for the opening of Kansas Territory to settlers.¹⁵

In a sense Montgomery had been preparing for forty-one years to settle in Kansas Territory. He was no stranger to a frontier society. His determined moral conviction of right and wrong implanted by New England Congregationalism coupled with the simplistic democratic views of the Disciples of Christ helped prepare him for leadership in a frontier environment. Ashtabula County, Ohio provided Kansas with numerous abolitionists and free state sympathizers including Montgomery's contemporary, John Brown. Montgomery's views toward the institution of slavery were further developed by his experiences in Kentucky. He was not an abolitionist, but did not want to see slavery extended to Kansas Territory. The less tangible influence that shaped

¹⁴Ibid.; William Ansel Mitchell, Linn County, Kansas, pp. 15, 16, 24; William P. Tomlinson, Kansas in Eighteen Fifty-Eight Being Chiefly A History of the Recent Troubles in the Territory (Indianapolis: Dayton and Asher, 1859), p. 165; M. A. Young to Samuel Howe, April 23, 1860, Howe papers, Massachusetts Historical Society, Boston, Massachusetts.

¹⁵Franklin B. Sanborn, "Some Notes on the Territorial History of Kansas," Kansas Historical Collections, Vol. XIII (1913-1914), p. 258.

his character, his ancestors, placed him in the tradition of providing aggressive leadership in the face of overwhelming odds.

By a stroke of the pen, President Franklin Pierce provided Montgomery with the means of changing his passive life into a mover and shaper of events. By signing into law the Kansas-Nebraska Act, Pierce unleashed the principle of popular sovereignty to be used in determining the free or slave status of Kansas. Considering Montgomery's background and character, he could hardly have escaped a position of leadership in the Kansas struggle for statehood.

CHAPTER II

PRO-SLAVERY DOMINATION IN KANSAS TERRITORY

While the United States Congress debated the Kansas-Nebraska legislation, Missourians made up their minds to make Kansas a slave state. Waiting in Jackson County, Missouri for the opening of Kansas Territory for settlement, Montgomery revealed his free state position to Doctor Thornton, a prominent citizen of Westport Landing. Montgomery's good friend was well aware of the numerous pro-slavery meetings being held both in Missouri and Kansas Territory. One of the first such meetings took place on April 1, 1854 in Platt County, Missouri just a few miles north of Newport Landing. Organized by United States Senator David R. Atchison and Benjamin F. Stringfellow, who became the first speaker of the house in the Kansas Territorial Legislature, the Platt County Self Defensive Association used its one thousand members to seek out and stop free state agitators in Missouri and Kansas.¹

A pro-slavery squatters' organization met near Fort Leavenworth, Kansas Territory, on June 10, 1854. Most of the 200 settlers there

¹John Nelson Holloway, History of Kansas from the First Exploration of the Mississippi Valley to Its Admission into the Union Embracing A Concise Sketch of Louisiana, American Slavery and Its Onward March, Conflict of Free and Slave Labor in the Settlement of Kansas and the Overthrow of the Latter, of all Other Items of General Interest Complete, Consecutive and Reliable (Lafayette, Indiana: James Emmons and Company, 1868), pp. 124-125.

were from Platt County, Missouri. They supported squatter sovereignty, and agreed to protect the claims of pro-slavery settlers. This organization established numerous principles to govern future settlements in Kansas Territory, some of which were:

-
- (8) that we recognize the institution of slavery as already existing in this territory, and recommend slaveholders to introduce their property as early as possible.
 - (9) that we will afford no protection to abolitionists as settlers of Kansas Territory.
 - (10) That a vigilance committee of thirteen be appointed to decide upon all disputes.²

A similar meeting was held on June 24, 1854 in Doniphan County, Kansas Territory. Other pro-slavery groups were organized on both sides of the Kansas-Missouri border.³

Doctor Thornton admitted to Montgomery that "the Missourians did not intend to let the free state men settle in Kansas."⁴ Many free state men in Missouri were settling in Bates County, Missouri where unimproved land could be purchased for twenty-five cents an acre and five dollars an acre for improved farms. Thornton advised Montgomery that the land in Bates County was as good as that in Kansas, if not better. On the basis of this information, Montgomery took his family and moved to Bates County in July, 1854. After seeing the land that

² James Hanway, Kansas Biography Scrap Book, Vol. IV, p. 7, Kansas State Historical Society, Topeka, Kansas.

³ White Cloud Kansas Chief, August 16, 1882; A. T. Andreas, History of the State of Kansas, p. 86; Daniel Webster W. Wilder, The Annals of Kansas (Topeka: T. Dwight Thacher, Kansas Publishing House, 1886), June 24, 1854.

⁴ Elmer L. Craik, "Southern Interest in Territorial Kansas," Kansas Historical Collections, Vol. XV (1919-1922), p. 443.

did not meet his expectations, he criticized himself for being talked out of his plan to establish his family in Kansas Territory. Equally important, he did not like the determined efforts of Missourians to prevent free state men from settling in the Territory. Montgomery wanted to make up his own mind as to the place where he would settle. He remained in Bates County only a few days and then headed west into Kansas Territory, Montgomery later recalled that "from that moment henceforth I was a man."⁵

Montgomery liked the land that he saw near Sugar Mound, a small settlement near the Kansas border. In this pro-slavery community he bought a claim located five miles west of what is now Mound City, Kansas. Numerous Missourians had rushed across the border when it was opened for settlement and staked claims with no intention of remaining in the Territory. A number of these early squatters were now eager to return to Missouri because they had grown tired of trying to keep Kansas for slavery. The man who Montgomery bought his claim from was glad to sell on almost any terms. Montgomery purchased the claim for five dollars down and the balance of five dollars to be paid at a later date. He immediately completed the cabin the first squatter had started and settled his family on the new land. Because it was too late in the season to expect any profits from the land, Montgomery returned to Westport Landing to complete building a barn for Doctor Thornton. With his three hundred dollar earnings, Montgomery paid off

⁵ John Nelson Holloway, History of Kansas, p. 496; Lawrence Herald of Freedom, June 27, 1857.

his debts and invested in cows and calves which he brought back to his farm in Kansas Territory.⁶

The Platte County Self Defensive Association was supplanted by the Blue Lodges organized in the two tiers of Missouri counties along the Territorial border. Estimates on membership were as high as ten thousand. The secret lodges kept close watch on Free Soilers in the Territory, assisted pro-slavery settlers in Kansas, collected funds from southern states to accomplish their aims, and organized Missourians to vote in Kansas Territorial elections. From the beginning of Kansas Territorial history, the elections were organized and controlled through the Missouri Blue Lodges. The election of November 29, 1854 was carried by a pro-slavery majority. John W. Whitfield was chosen in that election as the delegate to represent Kansas Territory in Congress. Whitfield of Tennessee later became a general in the Confederate Army. He was nominated Kansas delegate to Congress in Weston, Missouri, by representatives of the Missouri "Secret Societies." Following that nomination, arrangements were made to send Missourians to every election precinct in Kansas Territory. Sam Ralston, of Independence, Missouri, traveled ninety miles with 590 other Missourians into Kansas Territory to Station 110. On election day that precinct cast 609 votes, 20 of which were legal.⁷

⁶ Ibid.; Elwood Free Press, Kansas, December 15, 1860; Franklin Benjamin Sanborn, "Colonel Montgomery and His Letters," Kansas Historical Collections, Vol. XIII (1913-1914), p. 259.

⁷ Sam Ralston to Daniel W. Jordan, December 9, 1854, "A Southern Family on the Missouri Frontier: Letters from Independence, 1843-1855," The Journal of Southern History, Vol. XVII (1951), pp. 232-233. In December 1854 Senator David R. Atchison became president of the "Secret Society" of Missouri. John Nelson Holloway, History of Kansas, pp. 124-125, 136.

During the winter of 1854, political issues died down and the important problem of existence on the cold Kansas plains became dominant. The actual settlers in the Territory were busy building their cabins and securing title to their claims. Montgomery and other squatters would have to pay the United States \$1.25 an acre for their land after the government surveys were completed. Political activity centered on the first Territorial governor of Kansas, Andrew H. Reeder of Pennsylvania, appointed by President Pierce. A highly regarded lawyer in his own state, he was a friend of the South and was in full accord with the belief that Kansas would become a slave state. Reeder opened his office at Fort Leavenworth and called the election for November 29, 1854. The next election was called for March 30, 1855 to select a Territorial Legislature. In preparation for this election and in accordance with the Organic Act, a census of the Territory was taken. The total population revealed by this census of January and February, 1855 was 8,601. Out of this total population, there were 2,905 legal voters, 3,383 females, 3,469 minors, 151 free Negroes, 408 foreigners, and 192 slaves.⁸

Each county held a convention to select nominees for the Territorial Legislature. The first convention held in Linn County took place at Sugar Mound under the leadership of James P. Fox, who hoped to be nominated as a pro-slavery candidate. Fox was a lawyer and co-

⁸"Third Biennial Report," Kansas Historical Collections, Vol. III (1883-1885), p. 243; "Report of the Special Committee Appointed to Investigate the Troubles in Kansas with the Views of the Minority of said Committee," House Report No. 200, 34th Congress, 1st Session (Washington, 1856), pp. 9, 30.

founder of Paris, the Linn County seat. The most suitable location for the offices of the county seat was on a claim belonging to Fox, for which he was paid one hundred dollars. Weeks before the announced date of the convention, Fox came to Sugar Mound every Saturday and mixed with the local settlers, many of whom were free state men. He bought them their favorite drink, and became very friendly with them. He waited until three days before the convention before posting the date of the convention on the door of the local dram shop. In this way, only those who had been informed earlier would know about the meeting. The convention was held February 20, 1855, at the small pro-slavery dram shop and grocery store owned by a man called "Miller." The day before the meeting James Montgomery had gone to Missouri for provisions. On his return, he got lost in a snow storm and did not reach home until midnight. By this time portions of his ears, face, and feet were nearly frozen. In spite of his afflictions, he attended the convention the next morning.⁹

Because of the short notice and the bad weather, there was a very small crowd in attendance, and Fox dominated the affair. The first order of business was to select a chairman and a secretary. Phineas T. Glover, another co-founder of Paris, was selected a chairman, and Montgomery as secretary. James Montgomery's influence as a free state settler was already known, and Fox believed that if he were placed in position of secretary of a pro-slavery group, this would destroy his influence in free state circles and prevent him from

⁹ J. H. Stearns, "Paris, Linn County," Kansas Historical Collections, Vol. XII (1911-1912), p. 430.

wrecking their plans. Pro-slavery names were submitted and an immediate ballot was called. Seeing that he did not have a chance of being nominated, the hopeful free state candidate moved for postponement until the district could be notified properly.¹⁰

Even though the obvious issue hinged on the candidates' views toward slavery, James P. Fox tried not to raise this distracting issue in order to win support from both sides. He avoided the question by insisting that a state constitutional convention would decide the slavery issue and that the Territorial Legislature's duty was to make good laws for the Territory. Analyzing the situation, Montgomery saw that Fox and the other pro-slavery leaders wanted a nomination without committing themselves to any specific principle or action. Montgomery objected and rose to speak to the assembly, saying in effect that the nominations seemed fixed and the candidates, regardless of how they were selected, should first fully define their position by showing clearly where they stood on the great slavery question. He further told the assembled group that Missourians had well organized plans for making Kansas a slave state and that the Organic Act left this decision up to the people of the Territory, not the residents of Missouri. He proclaimed his own feelings, saying that he was a free state man wanting Kansas to be free and the only way to do this was by electing free state men to the legislature.¹¹

Montgomery's speech turned the tide, and other men of the same

¹⁰ John Nelson Holloway, History of Kansas, p. 499.

¹¹ Ibid.

persuasion spoke. Fox realized that his political aspirations were being jeopardized and finally pledged himself to the free state cause. Having won this victory and knowing Fox's turncoat tactics, Montgomery moved that the convention be postponed until a published notice of the convention date could be circulated so as to have a better representation of the people. The motion carried, and the first Linn County convention came to a close.¹²

A few weeks later, the second convention took place. Colonel John T. Coffey attended and presented the side of the pro-slavery party. He was well aware that many free state men supported that position because they did not want blacks in Kansas, slave or free. Montgomery believed that the Negro restrained the economic opportunities of the poor whites. Colonel Coffey argued that if Kansas became free "the Missouriians would ship all their worn out and worthless negroes in this Territory, and thus rid themselves of their support,"¹³ He suggested that the blacks would take control of their society as the abolitionists planned. Coffey clinched his argument by asking, "how they would like to see their daughters riding with big buck niggers!"¹⁴

Montgomery met the challenge by arguing that the white population, superior in numbers, wealth, and intelligence, would always control the political affairs of the state. He called the attention of his listeners to the fact that other border states had not been troubled

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

by free Negroes. Montgomery concluded his speech chiding Coffey about the "big black niggers" by informing the crowd that Southerners took pride in the fact that their ladies could be attended by a black. The slave system was no solution to the problems alluded to by Colonel Coffey since many "an unwelcomed mulatto . . . [made] his appearance under the roof of the master,"¹⁵

Again Montgomery was the victor. Members of the convention wanted to nominate Montgomery, but he declined. He knew that Fox would run whether nominated or not and, since the pro-slavery voters were still in the majority, their candidates would win. Fox had already pledged himself to the citizens that he would support the free state principles and Montgomery believed it would be best to nominate him and depend on the people to make him live up to his promises.¹⁶

Despite Governor Reeder's census and registration as required by law, on election day the "border ruffians" poured over the Missouri border as before, and in many cases drove away the free state judges with guns, clubs, and knives. A Congressional Investigation Committee report in 1856 gave a sworn detailed account of the illegal voting practices in each district during this election. On March 30, 1855, over 6,000 votes were cast despite the fact that the census had revealed only 2,905 men of voting age. The pro-slavery candidates were elected

¹⁵ Ibid., p. 500.

¹⁶ There are three major sources for the Mound City Convention. John Nelson Holloway, History of Kansas, pp. 497-500; William P. Tomlinson, Kansas in 1858, pp. 166-169; A. T. Andreas, History of the State of Kansas, p. 1102. Andreas indicates M. G. Morris was also nominated as a free state representative.

to the Legislature as Montgomery predicted and the free-state candidates received only 791 votes.¹⁷

The free state nominees selected in Linn County were defeated by fraudulent votes. There were two precincts in Linn County. One was called "Big Sugar" with its polling place at Keokuk, and the other was called "Little Sugar" with the polling place at Sugar Mound. At Big Sugar there were seventy-four votes cast for the pro-slavery candidates and seventeen for the free state candidates. Of the seventy-four pro-slavery votes cast, fifty-nine were illegal, leaving only fifteen legal votes, which was less than the free state vote. At Little Sugar, Montgomery's district, thirty-four votes were cast for the pro-slavery candidates; seventy votes for the free state candidates. All votes at this precinct were legal.¹⁸

The free state minority reaction was loud, emotional, vengeance-packed, and unsuccessful. The Lawrence Herald of Freedom led the journalistic attack. The first issue of this free state newspaper was printed in Pennsylvania and dated Wakarusa, Kansas Territory, October 22, 1854. The founder, Doctor George W. Brown, published the second and following issues in Lawrence beginning January 6, 1855. After the election of March 30, Brown wrote:

Of the disgraceful proceeding in this place on Friday last, by which the ballot box was converted into an engine of oppression, we have hardly patience to write. To see

¹⁷ A. T. Andreas, History of the State of Kansas, pp. 97-98; "The Report of the Special Committee Appointed to Investigate the Troubles in Kansas with the Views of the Minority of said Committee," House Report No. 200, 34th Congress, 1st Session, pp. 101-507 passim,

¹⁸ Ibid.

hundreds of hired mercenaries on horseback, on foot, and in wagons and carriages, coming into Kansas in a body from an adjoining State, and expressing a determination to return as soon as they shall have polluted the freeman's safeguard with their touch, and to see that purpose fulfilled without any action whatever showing an intention to remain here for a single hour after they shall have cast a ballot, is, to say the least, enough to make a republican ashamed of his national connections; and were he not strongly wedded to the federal Constitution, in a moment of vexation he might be led to exclaim that he desires no union with such base mercenaries.¹⁹

The leader of the first group of New England Emigrant Aid Company settlers to Lawrence, Kansas Territory, Doctor Charles Robinson favored stronger action than words. "Give us the weapons," he requested of Eli Thayer, organizer of the Emigrant Aid Company,

and every man from the North will be a soldier and die in his tracks if necessary to protect and defend their rights. It looks very much like war and I am ready for it and so are our people. If they give us occasion to settle the question of slavery in this country with the bayonet let us improve it. In that way [we] can bring the slaves redemption more speedily. Wouldn't it be rich to march an army through the slave holding states and roll up a black cloud Cannot your secret society send us 200 sharp's rifles as a loan till this question is settled and, also a couple of field pieces?²⁰

These words were taken seriously by eastern abolitionists, but the request came back to haunt Robinson when he became the first Governor of the State of Kansas in 1861.

The eastern press quickly picked up the news. Horace Greeley's New York Tribune informed its readers that

¹⁹ Lawrence, Herald of Freedom, March 31, 1855.

²⁰ Charles Robinson to Eli Thayer, April 2, 1855, New England Emigrant Aid Company Papers 1854-1909, Kansas State Historical Society, Topeka, Kansas.

an army from Missouri, regularly organized, armed, officered, and disciplined, and liberally supplied with rations and whisky, seized on the polls in each election district in Kansas, appointed their own judges, prescribed their own rules and cast three fourths of all ballots, more or less; what matters a few figures? It is enough that they were prepared to overwhelm any legal vote that could be cast, and thus they did . . .²¹

Governor Reeder created pro-slavery enemies by declaring the elections in the first, second, third, seventh, eighth, and sixteenth districts to be fraudulent and called another election to be held in those districts to fill the vacancies on May 22. The free state delegates elected in these various districts were not allowed to be seated in the Legislature when it met at Pawnee, a small town near Fort Riley. At the same time, Reeder recognized the Legislature as legal and called it to meet July 2. This was the Governor's way of trying to compromise, but the pro-slavery party, led by Senator David R. Atchison, made every effort to get rid of Governor Reeder. Their chance came when the Governor told them to organize the Legislature at Pawnee, a town where he had considerable land holdings. The Legislature, after meeting at Pawnee, objected to the lack of adequate living accommodations and adjourned to Shawnee Methodist Mission where the members could live in the Mission building or at their homes in Westport, Missouri. The Frontier News of Westport predicted that

many members of the legislature left here Wednesday for Pawnee, at which place the session is called. It is believed and appears to be understood by all parties that

²¹New York Tribune, April 12, 1855.

the legislature will organize at Pawnee, where there are no accommodations, and adjourn at once to the Mission, two miles from this place.²²

David Atchison, the Missouri Senator, took full advantage of the Governor's land speculation and gave a complete report to President Pierce, charging that Governor Reeder was using his office to promote his own personal interests. Reeder was removed from office August 10, 1855, and replaced by Wilson Shannon of Ohio. Because of the illegal election, Montgomery and other free state settlers considered the first Legislature of Kansas Territory a "bogus" body and refused to consider its actions legal. Atchison continued to instigate trouble in Kansas. He urged Missourians to cross the Missouri-Kansas border and vote in the Kansas elections.²³

The pro-slavery party was in full power but continued to be challenged by free state men. Even though a free state movement was officially organized in June of 1855, to oppose the pro-slavery government, the situation grew steadily worse as Governor Shannon supported the Legislature and tried to enforce what the free state people called "bogus" laws. The free state request for Sharp's rifles to aid their cause did not go unheeded by the abolitionists in the East. These new weapons were described at length by the Lawrence Herald of Freedom:

²² Quoted in George W. Martin, "The Territorial and Military Combine at Fort Riley," Kansas Historical Collections, Vol. VII (1901-1902), p. 368.

²³ Lawrence Herald of Freedom, August 18, 1855; William A. Phillips, The Conquest of Kansas by Missouri and Her Allies: A History of the Troubles in Kansas from the Passage of the Organic Act Until the Close of July, 1856 (Boston: Phillips and Sampson, 1856), p. 148.

This recently invented weapon, if it possesses one half the power and capacity claimed by its proprietor, is destined soon to supersede every other weapon for war-like purposes now in existence. The small carbine now used by the U. S. mounted men, throws a ball with deadly accuracy one quarter of a mile, and can be fired ten times per minute. It is not complicated in structure, is easily cleaned, and suffers no injury from wet weather.

This rifle in the hands of a good marksman, is equal to ten muskets, bayonet and all, for, place a man six rods distance with a musket and bayonet, and before he can bring the bayonet into use, the rifle can be loaded and discharged ten times. They carry balls with great precision and force. Mr. Sharp intends these rifles to become a national weapon, and should Congress, by using a little liberality, purchase the patent, the country would be possessed of a means for warfare unequalled in the world.²⁴

Four months later the same paper was boasting:

We are credibly informed that these holy instruments of the Beecher school for evangelizing Kansas are daily arriving in our city Sharp's rifles are, therefore, indispensable accompaniments with the "plow" and other peaceful implements of agriculture.²⁵

Governor Shannon estimated that there were 1,200 Sharp's rifles in the Territory valued at \$36,000.00.²⁶

Popular sovereignty created "Bleeding Kansas." During the Wilson Shannon administration, most of the bleeding took place in the northern counties of the Territory. Linn County and the southeastern part of the Territory was relatively quiet. In the northern part of the state the Wakarusa War broke out near Lawrence. Actually it was only a mild demonstration against Lawrence which lasted two weeks during November and December of 1855. It was a war without a battle. One free state

²⁴ Lawrence Herald of Freedom, January 12, 1856.

²⁵ Ibid.

²⁶ George Douglas Brewerton, The War in Kansas, A Rough Trip to the Border Among New Homes and a Strange People (New York: Derby and Jackson, 1856), p. 188.

man, Thomas Barber, was killed by a band of Missourians.²⁷

This struggle continued on into 1856, with the sacking of Lawrence, the burning of Osawatomie, and the driving off and imprisonment of free state leaders. Numerous Free State Conventions had been held which eventually culminated in a constitutional convention held at Topeka, October 3, 1855. The Topeka Constitution was framed in opposition to the pro-slavery Lecompton Constitution. While seeking recognition from the federal government, Doctor Charles Robinson was chosen governor of the Free State government. This government, with a full set of officials, which proposed not to recognize the legally constituted Territorial government was considered revolutionary by the federal officials and many of its officers were arrested. Doctor Charles Robinson, Judge George W. Smith on the Executive Committee, George W. Brown, also on the Executive Committee and editor of the Herald of Freedom, and George W. Detzler, on the Safety Committee, were among those arrested and imprisoned at Lecompton. On July 4, 1856, Colonel Edwin Vose Sumner marched his United States troops into Topeka, entered Constitution Hall, and interrupted the Free State legislative session with these words:

I am called upon this day to perform the most painful duty of my whole life. Under the authority of the President's proclamation I am here to disperse this Legislature and therefore inform you that you cannot meet. I therefore in accordance with my order command you to disperse.²⁸

²⁷ House Report No. 200, 34th Congress, 1st Session, pp. 1121-1127.

²⁸ "The Topeka Movement," Kansas Historical Collections, Vol. XIII (1913-1914), p. 235. The official records of this movement are represented here, pp. 125-249.

The free state citizens were now without leadership. The pro-slavery party with the support of the United States troops was in complete control.²⁹

By the fall of 1856, the comparatively quiet southeastern part of Kansas Territory was feeling the repercussions of the pro-slavery domination. Montgomery had been observing the crucial events taking place in the counties to the north. He knew about the pro-slavery force led by John W. Reid heading for Osawatomie. He started in that direction to offer his assistance, but did not arrive in time. He returned home and was careful not to start any wild rumors concerning the raid at Osawatomie. A few days later, however, the word was circulated that George W. Clark was arming the Miami Indians, just north of Linn County, giving them whiskey and preparing to send them down on the free state men. There was panic in Linn County, and many settlers left the country and their possessions behind for safer territory.³⁰

The free state settlers were without any kind of protection, and Montgomery was delegated to plead their cause to the new governor, John W. Geary. Because of the violence under Governor Shannon, President Pierce feared the Kansas civil war would spread to the other states. Accordingly, the President removed Shannon and replaced him with John Geary of Pennsylvania. Governor Geary disbanded the border ruffian militia that was advancing on Lawrence and the free state force that was

²⁹ Daniel Webster Wilder, The Annals of Kansas, pp. 127, 140; Thomas H. Gladstone, The Englishman in Kansas or Squatter Life and Border Warfare (New York: Miller and Co. 1857), p. 47; Frank W. Blackmar, "Charles Robinson," Kansas Historical Collections, Vol. VI (1897-1900), p. 197.

³⁰ A. T. Andreas, History of the State of Kansas, p. 1103.

prepared to repeal the attack. To do this, he was authorized to use United States troops. At the same time, President Pierce sent word to release on bail the "treason" prisoners held in Lecompton who were officials of the Free State Topeka movement.³¹

Governor Geary did not have any confidence in the free state settlers and would not listen to Montgomery and his appeal for help. Returning from Lecompton, the pro-slavery Territorial capital, Montgomery visited Lawrence where he found more sympathetic listeners. The citizens of Lawrence could not spare any manpower to help Montgomery in Linn County, but they did share with him some of the arms they were receiving from the East. The first entry in a small brown leather covered notebook of the New England Emigrant Aid Company's contained the following: "Received of Kansas Central Committee Sharp's Rifle no. 19.179 also Colt Revolver no. 120.700 with countements to be used in defense of Kansas and returned if I leave Kansas not to be sold and subject at all times to their order,"³² The statement was signed "James Montgomery." The records were kept by James Blood, an official of the New England Emigrant Aid Company. In addition to arms, the citizens of Lawrence gave Montgomery a good deal of advice on what to expect from the pro-slavery party. The people were too preoccupied

³¹Daniel Webster Wilder, The Annals of Kansas, pp. 135-137.

³²James Blood, "Record of Arms Disbursed by the Kansas State Central Committee," Kansas State Central Committee Papers, Kansas State Historical Society; "Journal of Investigation in Kansas," November 28, 1856, Thaddeus Hyatt Papers 1843-1889, Kansas State Historical Society. This collection contains numerous documents concerning the arms provided to free-state men and those who provided the money.

with their own defense to spare any manpower. Lawrence had been more like a fort than a community during 1856. The people of Lawrence had organized their own home guard and Montgomery believed he would have to take similar action in Linn County.³³

The free state minority felt helpless in the grips of a pro-slavery majority. The situation was almost the reverse of that which existed on the national level. The legal government of Kansas Territory was dominated by pro-slavery advocates determined to make Kansas a slave state. Overzealous Missourians touched off an emotional reaction that rippled through the fabric of the nation. When extra-legal free state government and fiery editorials did not sway the views of the pro-slavery majority, more militant action followed. Unscrupulous men, taking advantage of the situation, tried to drive the free state men from their claims. This was soon followed by independent retaliation by men such as James Montgomery.

³³ George Douglas Brewerton, The War in Kansas, pp. 171-173; Charles R. Tuttle, History of Kansas: A New Centennial History of the State of Kansas (Madison, Wisconsin: Inter State Book Company, 1876), p. 421.

CHAPTER III

FREE STATE RETALIATION

. . . The original incentive for Montgomery's taking to the brush was the pro-slavery outrages of 1856 in Linn County; thereafter his own actions led to frequent efforts to retaliate by the pro-slavery men, who feared and hated him more than anyone else. "His operations," says Andreas, "may be classed as defensive, preventive and retaliatory, and it is doubtless true that he did many things which when judged outside of their immediate and remote causes and connections, would not stand the test of the moral code."

Oswald Garrison Villard

In October 1856, while Montgomery was in Lecompton visiting the governor, approximately four hundred Missourians made their first raid into Linn County, headed by George W. Clark, accompanied by James P. Fox. Colonel Fox and many of the men joined the group at Paris, Kansas, which was six miles north of Mound City, and from that rallying point they headed to their objective which was Sugar Mound. Here they burned several houses and the grocery store. Remembering his past encounter with James Montgomery, Fox asked Clark to send some of his men to take the anti-slave spokesman prisoner. Upon arrival at Montgomery's cabin, the detachment of men discovered that he was not at home. This gave them an excellent opportunity to burn the cabin to the ground.¹

¹A. T. Andreas, History of the State of Kansas, p. 1103; William P. Tomlinson, Kansas in 1858, p. 170.

The next day, when Montgomery returned home, he quickly discovered what had happened to his own cabin as well as to those in Sugar Mound. He went directly to Clark's headquarters, located in a building near Sugar Mound, owned by a free state settler named Ebenezer Barnes, and demanded justice. Clark immediately ordered him to be taken prisoner and only Montgomery's quick thinking saved him. Although he was unarmed, he threw off the men who grabbed him and escaped into the hills. Clark's orders were to bring Montgomery back dead or alive. Thanks to his firsthand knowledge of the region, the abolitionist made his escape successfully.²

Now, unable to return home, Montgomery rode to Missouri for the purpose of seeking out the names of the members of Clark's band. Montgomery, who was suffering from the ague, used this for an excuse to stop at the home of a Captain Burnett, who was a member of Clark's raiding party. Burnett had not yet returned from Kansas Territory, but Mrs. Burnett admitted Montgomery and cared for him during his sickness. Later, Captain Burnett returned home and discovered the sick man, unaware that he was the escaped prisoner. Montgomery told Burnett he was "on his way from New York to Kansas, and desirous of finding a school to teach during the winter."³

Burnett decided his visitor was a very intelligent man and helped Montgomery find a school in the vicinity. Montgomery's disguise worked,

²Ibid., p. 171; Charles R. Tuttle, History of Kansas, p. 421.

³A. T. Andreas, History of the State of Kansas, p. 1103.

and, while teaching school for two weeks, he compiled a list of men involved in Clark's raid. The school came to an abrupt close and Montgomery returned home with his information.⁴

Montgomery explained his views of the increasing pro-slavery activities in Linn and Bourbon Counties a decade later to John Nelson Holloway who was gathering information for a history of Kansas. An outline of three chapters of Holloway's History of Kansas are among the James Montgomery papers. Apparently, Montgomery either wrote most of the material in those three chapters, or gave Holloway a verbal account of the items in the outline. Several of the events are not to be found in any other source. The "causes of trouble [in Southern Kansas are] the same as elsewhere--" Montgomery began, "law and order." He then quoted the pro-slavery slogan, "Kansas is ours and we will have it peaceably if we can and [forcibly if we must]."⁵

The first example of this policy Montgomery cites in the outline was the case of William Stone, one of many anti-slave sympathizers who had been driven from his claim during the fall of 1856. During Stone's absence, Reverend Southwood of the Methodist Church South took Stone's claim. The spring and early summer of 1857, found many new free state families moving into Linn County along with those returning to reclaim their land. When William Stone and his family returned, the free state

⁴Ibid.; Leverett W. Spring, Kansas, The Prelude to the War for the Union (Boston: Houghton, Mifflin, and Company, 1885), p. 24; Hildegrade Herklotz, "Jayhawkers in Missouri," Missouri Historical Review, Vol. XVII (April, 1923), p. 270.

⁵James Montgomery, "History of Southern Kansas," undated, Montgomery Papers, Kansas State Historical Society.

settlers built them a little cabin on his claim near the Southwood residence. While Stone awaited the opening of the land office where he could file his right to the claim, the women of the two families began an argument concerning the use of the one well on the property. The feud grew until the free state men ordered Southwood to abandon the property within a certain time. The pro-slavery men organized to remove the Stones from the claim. Stone's small cabin became an armed fortress and the pro-slavery attack was unsuccessful. When the pro-slavery force returned to Fort Scott for reinforcements, the free state men gathered a larger force. The free state settlers eventually won their position and Reverend Southwood left the property. The free state settlers continued to guard the Stone cabin but, unable to keep a constant guard, warned the pro-slavery neighbors that they would be held responsible for the safety of Stone and his family. This free state policy worked because the pro-slavery settlers feared retaliation.⁶

The free state organization that was able to achieve this small victory had begun to emerge promptly after Montgomery's return from Missouri with the list of names of pro-slavery ruffians. At first he operated alone:

Like a tiger whose den had been invaded, he skirted Little and Big Sugar Creeks and the Osage, firing from the cover of brush or rocks, wherever he could get sight of the enemy. So swift, concealed and lucky were his movements, that he spread confusion and terror among the pro-slavery men who began to imagine that every thicket and rock concealed a free state man.⁷

⁶ John Nelson Holloway, History of Kansas, pp. 505-506.

⁷ Ibid., 502-503.

Within a few days several other men joined Montgomery in his guerrilla type warfare. Montgomery organized this small group of six or seven men to return with him to Missouri to bring back the property, or its equivalent, that Clark's band had captured. They rode directly to Captain Burnett's house and hid nearby in the timber. Two of the men dressed as Indians rode where they could be seen and their presence reported to Burnett. At this time the Missourians were having trouble with the Miami Indians who were making raids into Missouri to steal horses. Montgomery knew from previous experience that when Indians were reported in the area the Burnetts left their house. The "Montgomery Indians" were sighted and reported, and, as Montgomery anticipated, the Burnetts quickly abandoned the area. This left the house free for Montgomery and his men to take possession.⁸

Later, Burnett and his neighbors returned one at a time to the house. It was a simple task for the free state men to capture and disarm the men as they arrived. Twenty-one prisoners were taken in this manner. Their guns were broken and two hundred and fifty dollars plus eleven horses were taken back to Sugar Mound by Kansas' first jayhawkers. Since Montgomery's place was burned, the jayhawker went to some of his neighbors for food for himself and his men. The first house he tried belonged to the Banes family who had not been home since the Clark raid. He next called on Judge David W. Cannon, a free state man, who refused assistance because the Judge did not want to get

⁸Leverett W. Spring, Kansas, The Prelude to the War for the Union, p. 241; Charles R. Tuttle, History of Kansas, p. 421.

involved in such operations as Montgomery had just completed.⁹

When the settlers returned to their claims, those that had been burned-out started rebuilding their cabins. Montgomery relocated his cabin in a more strategic position on the side of a small hill near Little Sugar Creek. It was about one hundred feet to the top of the hill, which provided an excellent point to station a look-out. No one could approach the cabin without being seen. By the time the cabin was completed, it was more of a fort than anything else and was usually referred to as Fort Montgomery. The fort may have been started prior to the burning of his house near the creek and enlarged during the fall and winter of 1856. It was built of logs with the exception of one end, which was built of rocks and contained a large fireplace. There were four windows along the side near the eaves of the building just large enough to fire a gun. Just above this row of windows and slightly into the roof was another extension of wall just wide enough to contain four more windows of the same type. At this height, there were two small windows at the rock end of the fort on either side of the chimney. Beneath the floor, there was a small tunnel used to hide fugitive slaves and, on occasion, Montgomery himself.¹⁰

A few armed free state men and a fort gave the settlers of Linn County some protection but better organization was needed. The pro-

⁹ John Nelson Holloway, History of Kansas, pp. 503-504; A. T. Andreas, History of the State of Kansas, p. 1104.

¹⁰ William Ansel Mitchell, Linn County, Kansas, pp. 18-19. A photograph of the fort taken in 1910 is opposite page 33 in the Mitchell book. An oil painting of the fort is located in an old lodge building in Mound City.

slavery party in Linn County, headed by such men as Colonel Fox, Captain Charles A. Hamilton, who had recently arrived from Georgia, and Briscoe Davis, was the ruling force. The pro-slavery elements were favored because of the nature of the laws passed by the legislature and the pro-slavery officials who administered the laws. The free state settlers felt that they did not have a chance in a court of law. In desperation the free state men banded together and formed a "Self-Protective Company." Neighbors of Montgomery, H. B. Hopkins and George E. Dennison were responsible for calling a meeting that brought the Self-Protective Company into existence. Montgomery was not present at the first meeting but attended a second meeting three days later. After the members pledged themselves "to protect all good citizens in their rights of life and property irrespective of politics,"¹¹ Montgomery is reported to have made the following speech: "I am now with you and will be to the end. Some men must be active in defense while others work. We have a hydra-headed monster to fight, and I for one will fight him with his own weapons, if necessary."¹² The members of the Self-Protective Company further agreed that:

Every man of influence in Linn County, who sustained the Blue Lodge in its secret machinations, and upheld the bogus code and the pro-slavery Lecompton government, whether by fraud, violence or murder, was warned to leave the Territory in a certain time and take with him his property.¹³

¹¹T. F. Robley, History of Burbon County Kansas (Fort Scott, Kansas: Monitor Book and Printing Co., 1894), p. 85.

¹²Ibid., pp. 85-86.

¹³William P. Tomlinson, Kansas in 1858, p. 175.

One of the first actions of this company was to help William Stone regain his claim from Reverend Southwood. Most despised by the free state men were the public officials who had been established by the laws of the Lecompton Territorial Legislature. Three judges were appointed for Linn County and these officials in turn appointed the officials for the townships and the County. For example, the judges appointed James Fox, Montgomery's old foe, as County Treasurer. One of the judges was Briscoe Davis who lived on land with good improvements on the north fork of Big Sugar. Montgomery led a number of men armed with Sharp's rifles to Briscoe Davis' farm and ordered him to gather his personal property and leave the county. Davis quickly sold his claim to Doctor Barton Robinson.¹⁴

Montgomery's activities in the late summer and fall of 1857 caused much anxiety among the pro-slavery settlers at Paris and Fort Scott. Cyrus R. Rice, a Methodist minister appointed to Fort Scott, witnessed how a group of so called "Texas Rangers" were "a terror to the free-state men on the Sugar Creek in Linn County, and kept the Fort Scott people constantly in fear of an invasion from Montgomery's men,"¹⁵ One night in Fort Scott, Rice and others heard a report that Montgomery's men were near the town. The people took cover as the Texas Rangers sent out guards. During the suspense-filled night, a shot was heard near the Marmaton River and a guard reported the enemy was headed toward the town. When daybreak dawned without further alarm, a scouting party was sent toward the ford of the Marmaton River. The men

¹⁴William Ansel Mitchell, Linn County, p. 21.

¹⁵Cyrus R. Rice, "Experiences of A Pioneer Missionary," Kansas Historical Collections, Vol. XIII (1913-1914), p. 312.

discovered that the guard had killed a milk cow rather than one of Montgomery's band as he had earlier reported. Rice believed that the raids by the Texas Rangers in Linn County were responsible for Montgomery's later raid on Fort Scott.¹⁶

In general, Montgomery's warnings for the pro-slavery men to leave the country were successful. The Fort Scott incident mentioned above and other reports indicate that the pro-slavery men probably feared and hated Montgomery more than anyone else in the country. When the new settlers arrived in Linn County during the summer of 1857, they discovered that:

the free-state men had things pretty much their own way, and Montgomery and his men were retaliating upon pro-slavery people by requesting their absence from the community. It was a rigorous application of the old Mosaic law--an eye for an eye, a tooth for a tooth--but more generally a horse for a horse and the owner's expulsion from the country.¹⁷

One of the best evidences of the success of Montgomery's tactics was that a free state convention could be held in Paris, the pro-slavery headquarters in Linn County. The object of the convention was to select a free state party nominee for the territorial legislature which met December 7, 1857. On March 6, 1857, only a few weeks prior to the convention, the Supreme Court handed down the Dred Scott decision. James Montgomery balked at the Court decision. During the convention he argued that the free state men in the county had won

¹⁶Ibid., pp. 312-313.

¹⁷LaCygne Weekly Journal, July 5, 1895. A. T. Andreas, History of the State of Kansas, p. 302; Return I. Holcombe, Sketch: History of Vernon County Missouri (St. Louis: Brown and Company, 1887), pp. 210, 219; John Nelson Holloway, History of Kansas, p. 303.

their rights by fighting and it would appear that the only way to keep their rights, in the light of the recent Supreme Court decision, was to continue to fight.¹⁸

Robert Byington Mitchel objected. A lawyer and resident of Paris, Mitchel lived only a few miles from Montgomery and had often taken shelter in his fort. A few years younger than Montgomery, Mitchel was born in Mansfield, Ohio of Scotch-Irish parents. Mitchel, a conservative free state man, appealed to the convention to uphold law and order and place their confidence in the courts. He believed that the free state cause was just and that the courts would uphold their rights and bring them ultimate victory. Montgomery violently attacked this approach and in a "fiery speech" condemned the courts and James Buchanan, who had only recently taken the oath of office and quickly approved the Dred Scott decision. Mitchel's law and order speech won him the nomination and victory at the polls over his pro-slavery opponent, Charles A. Hamelton.¹⁹

Free state prospects looked brighter in the summer of 1857. When James Buchanan became President, he appointed Robert J. Walker of Mississippi to be territorial governor and Frederick P. Stanton of Tennessee as secretary of state. Both, of course, favored the pro-slavery party, but both promised fairness at the polls in deciding the slavery question. Before their arrival, the territorial legislature had provided for an election to take place in June 1857, to choose delegates to a constitutional convention to be held in Lecompton

¹⁸LaCygen Weekly Journal, July 5, 1895.

¹⁹Ibid., April 26, 1895.

in September, 1857. The free state party government, known as the Topeka Movement, had already drawn up a constitution and was preparing to submit it to the United States Congress. As far as the free state people were concerned, the Lecompton legislature could not enact any legal legislation and they refused to vote for the delegates. Because of this action, the pro-slavery party elected their own candidates to the Lecompton Convention. As a result of this convention, the Lecompton Constitution was drafted containing the provision that Kansas should be a slave state.²⁰

Two months before the time to vote on the Lecompton Constitution, an election was held on October 5, 1857, to choose a new territorial legislature. Governor Walker frequently announced that the election would be as fair as possible. To keep his word, he sent the militia out to prevent voters coming from Missouri into the territory on election day. The residency requirement had been established at six months in the territory. As a part of the procedure for getting the Topeka Movement constitution approved, the free state men carried out a census of the territory which they intended to use at the polls to double check the residency requirements. Eastern abolitionists were also doing their share to help make the October election a success for the free state party. Henry Wilson of Massachusetts, afterwards United States Senator and Vice President of the United States, raised more than three thousand dollars to organize the voters in Kansas Territory.

²⁰ Franklin B. Sanborn, "The Kansas Territorial Election of October, 1857," Kansas Historical Collections, Vol. XIII (1913-1914), pp. 252-258; Ibid., "The Topeka Movement," pp. 245-246; A. T. Andreas, History of the State of Kansas, pp. 156-157; Daniel Webster Wilder, The Annals of Kansas, p. 169.

Wilson and Thomas J. Marsh, an agent for the eastern financial backers, arrived in the territory about the same time that Governor Walker arrived in the Territory and stayed until after the October election, organizing the free state voters. The free state partisans went to the polls in high hopes. During the summer, many more immigrants had come from the northern states, and the free state people believed they had a clear majority. They were not convinced that they could win through the ballot-box.²¹

It was no little surprise when they discovered that the pro-slavery forces had again won the election in both houses of the legislature by a careful manipulation of the votes. The overall returns showed a free state majority including all the fraudulent votes. The pro-slavery forces won in all the districts that chose the most representatives. One district that had been assigned eight representatives and three councilmen recorded 1,791 Democratic votes of which 1,626 were from one small town containing not more than twelve houses.²²

True to his promise, after inspecting the election returns, Governor Walker threw out the fraudulent returns. This gave the free state men nine members to four in the council and twenty-four to fifteen in the house, causing the defeat of Walker's own party. The free state party now had control of the territorial legislature. Governor Walker

²¹Franklin B. Sanborn, "The Kansas Territorial Election of October, 1857," Kansas Historical Collections, Vol. XIII (1913-1914), pp. 251-252; *Ibid.*, "The Topeka Movement," p. 249; A. T. Andreas, History of the State of Kansas, p. 157; Daniel Webster Wilder, The Annals of Kansas, p. 192.

²²Franklin B. Sanborn, "The Kansas Territorial Election of October, 1857," Kansas Historical Collections, Vol. XIII (1913-1914), p. 258.

left the Territory soon after the election and resigned from office on December 17, 1857.²³

The free state provisional government with Doctor Charles Robinson as Governor was not as urgently needed. After the November election and a partial victory by the free state people in the territorial legislature, radicals moved to put the Topeka provisional government in action. James Montgomery, one of the members elected to the senate in the free state election of August 9, 1857, did not take office because Doctor Robinson used his influence to prevent the revival of the Topeka Movement and averted an uprising on both sides of the slavery issue.²⁴

The delegates elected by the pro-slavery election to the Lecompton Constitutional Convention went on with their work of drawing up a constitution in spite of the recent reversal in the legislature. On November 21, the president of the convention, John Calhoun, announced that the vote on the constitution would take place on December 21, 1857. Following that, in accordance with the constitution, an election would be held to select state officers, members of the state legislature, and a member of Congress on January 4, 1858.²⁵

During this confused political procedure, Montgomery aided settlers in Bourbon County. The increasing number of free state settlers from the northern states were pushing further south into

²³ Ibid.

²⁴ A. T. Andreas, History of the State of Kansas, pp. 154, 164; Daniel Webster Wilder, The Annals of Kansas, p. 174.

²⁵ Ibid., p. 198.

Bourbon County, and a repetition of what had occurred earlier in Linn County took place in that County. In addition to the new settlers, the free state men returned to their claims they had left in the wake of George W. Clark's raid in 1856. Claim disputes with the pro-slavery men who had moved in occurred frequently.²⁶

Fort Scott was the stronghold of the pro-slavery party in Bourbon County. The United States District Court in Fort Scott, where the settlers took their claim disputes, opened a term on October 19, 1857. Judge Joseph Williams, Samuel A. Williams, clerk, and John H. Little, deputy United States Marshall, were all pro-slavery sympathizers and in charge of settling claim disputes and other civil affairs.

Judge Williams' court indicted many of the free state men in the area on various charges. In this situation, the free state extremists decided there was no alternative but to organize their own District Court. This "Squatters Court" was held in a large log house on the Osage River. It had been built by John Brown and Captain O. P. Bayne and referred to as "Bayne's Fort." In this court, the free state men "tried" the men who had taken over their claims while they were gone. The "Squatter Court," with its own judge and posse to carry out the court orders, angered the pro-slavery elements both in and out of the Territory. There were also pro-slavery settlers eager to retaliate because they had been driven off their claims by Montgomery, Captain O. P. Bayne, and John Brown. Reports of such reprisals on the free state settlers, along with a call for assistance, reached James

²⁶Franklin B. Sanborn, "Colonel Montgomery and His Letters," Kansas Historical Collections, Vol. XIII (1913-1914), p. 260.

G. Blunt of Greeley, Kansas Territory. August Bondi, a revolutionist from Vienna, Austria, helped Blunt organize a company of fifteen men to assist Montgomery and Bayne. They left Greeley on December 1, 1857, and reached Fort Bayne the next day. This force, along with the "Squatter Court's" posse and Montgomery's men, consisted of about forty-five men.²⁷

Judge Williams at Fort Scott heard about the "Squatter Court" and sent Marshal Little with a posse to disband the court. Marshal Little's posse consisted of no less than 200 pro-slavery sympathizers from Missouri and Kansas Territory. James B. Abbot, a radical free state man from Lawrence, was in charge of the "Squatter Court's" posse. When Marshal Little arrived, Abbot's force was ready for them. An hour long battle ensued with a few casualties on the pro-slavery side. Marshal Little returned to Fort Scott for additional men.²⁸

During the battle William A. Phillips, a correspondent for the New York Tribune, arrived and took command of the forces at Fort Bayne. There was some thought of proceeding to Fort Scott but the free state men heard from their scouts that Little had organized a body of 500 border ruffians; subsequently Phillips led the force which he had assembled at Fort Bayne to Mound City. By December 10, an armed force of 150 men had established a camp around a school house near Mound

²⁷ August Bondi, The Autobiography of August Bondi, 1833-1907 (Galisburg, Illinois: Wagoner Printing Company, 1910), pp. 67-68.

²⁸ T. F. Robley, History of Bourbon County Kansas, p. 84; William P. Tomlinson, Kansas in 1858, p. 179; A. T. Andreas, History of the State of Kansas, p. 1067.

City.²⁹

In July of 1857, the free state convention at Topeka authorized James H. Lane, a radical free state leader, "to organize the people in the several districts, to protect the ballot boxes at the approaching elections in Kansas."³⁰ Although much had happened since July, Lane arrived at Mound City in December and organized the forces assembled there. On December 14, Lane ordered the men to break camp and return to their homes. He did request that Montgomery, Bayne, and Charles Ransford Jennison keep their companies on guard duty along the border. In a final speech to the armed militia at Mound City, Lane called them the first members of the Kansas Jayhawkers. Lane explained that "the Irish jayhawk with a shrill cry announces his presence to his victim, so must you notify the pro-slavery hell-hounds to clear out or vengeance will overtake them. Jayhawkers remember, 'vengeance is mine sayeth the Lord, but we are his agents.'"³¹

Montgomery, with his company of men, made visits to pro-slavery sympathizers in Barnesville, Potosi, and McAuley's Gap before returning to Mound City on January 4, 1858.³²

While Montgomery and his men had been camped near Mound City, voting took place on the Lecompton Constitution. The free state men

²⁹ August Bondi, The Autobiography of August Bondi, 1833-1907, p. 68; John Nelson Holloway, History of Kansas, pp. 509-510.

³⁰ Lawrence, Herald of Freedom, July 23, 1857.

³¹ August Bondi, The Autobiography of August Bondi, 1833-1907, p. 68.

³² Theodosius Botkin, "Among the Sovereign Squats," Kansas Historical Collections, Vol. VII (1901-1902), p. 438.

abstained from participation for two reasons. First, the Constitutional Convention had been called by what they called the "bogus" legislature before the free state men won control in November. Secondly, and more important, the free state people refused to vote because of the way the ballot was worded. It did not matter how they voted because they would be voting for slavery one way or the other. Delegates to the Leecompton Convention had provided for two ballots. One ballot read, "For the Constitution with slavery," which simply meant that slavery would exist in Kansas and that more slaves could be brought into the state. The other ballot read, "For the Constitution with no slavery," which was misleading because the constitution provided that if a majority voted for this ballot, then no more slaves could be brought into Kansas, but those already in the Territory and their children should remain slaves. Article VII, Section one, read:

The right of property is before and higher than any constitutional sanction and the right of the owner of a slave to such slave and its increase is the same and is as inviolable as the right of the owner of any property whatever.³³

Section seven of the SCHEDULE provided that if

it shall appear that a majority of the legal votes cast at said election be in favor of the "Constitution with no slavery," then the article providing for slavery shall be stricken from this Constitution . . . and slavery shall no longer exist in the state of Kansas, except that the right of property in slaves now in this Territory shall in no manner be interfered with³⁴

³³ Daniel Webster Wilder, The Annals of Kansas, p. 183.

³⁴ Ibid., p. 189.

Without free state participation, the pro-slavery ballot carried with an overwhelming majority of 6,226 and "For the Constitution without slavery," 569 votes, Free state confidence in their ability to win through the ballot was greatly shaken. Governor Walker and James H. Lane protested personally to President Buchanan, but the President said the free state people were at fault because they had not voted and insisted on submitting the Lecompton Constitution to Congress. Walker then resigned on December 17, because he could not carry out the pledge of fairness he had promised the people of Kansas.³⁵

After the free state men won a majority in the Lecompton legislature, a special session was called in order to provide the people of the territory an opportunity to vote on the whole Constitution and not just the section dealing with slavery. This resulted in two elections for January 4, 1858. The one already scheduled for this date was the election of state officers, members of state legislature, and one member of Congress.

The pro-slavery party, contending that the vote in December on the Lecompton Constitution was final, took no part in voting on the constitution in this January election. The free state party voted against it and the outcome was 10,116 against the constitution and 138 for the constitution with slavery and 23 for the constitution without slavery.³⁶

³⁵Ibid., pp. 202-203; A. T. Andreas, History of the State of Kansas, p. 164-165.

³⁶Ibid., p. 166.

On the question of voting for representatives under the Lecompton Constitution the free state party was divided. The radicals, or "Topekans," as they were called, wanted no part in the election for this would be recognition of the Lecompton Constitution and abandonment of the Topeka government. The majority of the free state party said "rebuke . . . the infamous Lecompton Constitution with your ballots, but don't sanction it by voting for State Officers under it . . ." ³⁷ The other faction of the party, known as the conservatives, contended that the only way to assure safety for the free state people would be to keep control of the legislature so that if the Lecompton Constitution was accepted by Congress the free state people would have a chance to call another constitutional convention.

To resolve this question, a convention was held at Lawrence, December 23, 1857. As a result, a small majority voted that they would not participate in the election of state officers in January. The conservatives, led by George Washington Brown, editor of the Lawrence Herald of Freedom, bolted from the convention and met at Brown's office nearby. They reversed the decision and put in nomination a state ticket called the "Anti-Usurpation Ticket." ³⁸

Brown published an extra of the Herald of Freedom in which he covered the proceedings of the conservative convention. The published resolution was worded in such a way that it sounded as if this were the

³⁷ William P. Tomlinson, Kansas in 1858, p. 186.

³⁸ Ibid., p. 187; A. T. Andreas, History of the State of Kansas, pp. 165-166; Daniel Webster Wilder, The Annals of Kansas, p. 204.

decision of the regular convention. People that received the extra of the Herald of Freedom felt bound to act as they thought the Territorial Convention voted to do, that is vote for state officers in the coming election. The resolution adopted at the conservative convention was as follows:

WHEREAS, The late Constitutional Convention assembled at Lecompton framed a Constitution and attempted to force it on the people unsubmitted, in violation of the rights and known wishes of an overwhelming majority of the inhabitants of Kansas; and

WHEREAS, An election for State officers and members of the Legislature as provided for in the schedule of said constitution takes place on the 4th of January next; and,

WHEREAS, It is possible Congress may admit Kansas as a State under that constitution so unsubmitted for acceptance or rejection by the people; therefore,

Resolved, That we, the people of Kansas, in favor of voting for State officers and members of the Legislature on the 4th of January next, in convention assembled at Lawrence on this 24th of December, 1857, conceived it to be the duty of the residents of the Territory who are opposed to this attempted usurpation to throw aside for the present all party affiliations, and merge all party interest in the one absorbing issue, and to unite with us in the support of a State ticket to be nominated by this convention.

Resolved, That we call on the people of the several districts, as designated by that constitution, to nominate and vote for Senators and Representatives under it.

Resolved, That candidates nominated by this convention, on accepting such nomination, will be considered as pledge, should the constitution be approved by Congress, to adopt and execute immediate measures for enabling the people, through a new constitutional convention, to obtain such a constitution as the majority shall approve.

Resolved, That should Congress admit Kansas as a State under that unsubmitted constitution, it will commit a gross infraction of the organic law, and of the rights of the people.³⁹

In Linn County, Sugar Mound was a strong Topeka precinct but the voters there were misled when they received their copy of the extra

³⁹ A. T. Andreas, History of the State of Kansas, p. 166.

Herald of Freedom. In support of what they believed to be the resolution of the Territorial Convention, they cast ballots for state officer.⁴⁰

The voting station was located in a small combination grocery and post-office building where all settlers of the area assembled to participate in the election. About noon, January 4, 1858, James Montgomery arrived in town from his tour in Bourbon County. He was a strong Topeka man and had always advocated not voting in the pro-slavery election, and he continued to do so that day in Sugar Mound. It was also on that day Montgomery received a copy of the Lawrence Republican which had printed a complete account of the proceedings in which the territorial convention had voted not to take part in the election of officers. When Montgomery and his men arrived at the polling place, he dismounted and made some inquiries about the election. He asked the election officials what the purpose of the election was and how many ballots had been cast. Montgomery stood before the crowd assembled about the polling place and read the account from the Lawrence Republican. The votes had already been cast, but, when the voters learned the truth, they wanted their ballots returned. The election judges explained that it would be impossible to let them vote again. At this point, Montgomery startled the crowd by lifting up the ballot box and addressing the settlers:

Freemen of Linn! I have defended your rights in past time, and I am here to defend your rights today. The ballot-box is sacred only when the ballots therein deposited

⁴⁰William P. Tomlinson, Kansas in 1858, p. 188.

are given freely and without restraint by those legally entitled to the privileges of freemen. The ballot-box is to express the free sentiments of a free people. When it does not do this, it is no more the exponent of the will of the people it is intended to represent, than it would be if armed invaders surrounded the poll, and deterred the legal voters from exercising the elective franchise. How is it with the ballot-box for State Officers before us. Does it express the sentiments of the voters of Sugar Mound? Then many deluded freemen asking for their ballots, deposited under false impressions, is an unmistakable negative to such a query? No, you have been grossly deceived! There is nothing legal in support of that ballot-box except the Lecompton Constitution, which you deem it a virtue to treat with contempt, and the moral law which would otherwise interfere to protect it has been shorn of its majesty and power by the foul deceit practiced upon you. This ballot-box, falsely expressing your sentiments, I will destroy, and those wishing to vote for State Officers can afterwards proceed as though it were a new election. Thus, freemen of Linn, I right you!⁴¹

At the end of his speech, Montgomery slammed the ballot box against the floor, breaking it open and scattering the ballots over the floor. No one present interfered in any way with Montgomery's actions. Those present who opposed the action were perhaps restrained because of Montgomery's armed guard. The voting then continued on the Lecompton Constitution, but the election of state officials came to an end. While losing the election for the free state officials, this act was striking evidence of Montgomery's strong determination to defend the cause for which he stood.⁴²

There were more than enough opportunities for Montgomery and his men to assert their position in Linn and Bourbon Counties. Judge

⁴¹Ibid., p. 189.

⁴²Ibid.; Theodosius Botkin, "Among the Sovereign Squats," Kansas Historical Collections, Vol. VII (1901-1902), pp. 438-439.

Williams' court at Fort Scott continued to harass the free state men in the area. They were heavily fined in his court and frequently their personal property was sold to pay the fines. Shortly after the ballot box incident, several free state men were arrested and taken to Fort Scott where two of them were held prisoner without bond. Montgomery made plans for a rescue attempt but first sent Doctor Kimberland to Fort Scott to arrange bail. The court would accept nothing less than eight hundred dollars cash because of the serious nature of the offense. Montgomery was not willing to trust the pro-slavery court with that much cash. Montgomery and his men arrested a pro-slavery man who had refused to leave the country and kept him prisoner for a few days at Fort Montgomery. During his confinement he was mistreated just enough to leave the impression that his life was in great danger. Montgomery let the prisoner overhear some remarks about going to Fort Scott in full force and releasing the free state prisoners whom the Judge had refused bail.⁴³

After threatening to hang the pro-slavery prisoner, Montgomery allowed him to escape. Shortly after his "escape" he reached Sugar Mound and told of his experiences. Joseph Trego, a citizen of Sugar Mound, writing to his wife, said that Montgomery had been in town that day telling about the above incident, but neglected to tell how the man escaped:

Montgomery told us that several companies, his among the number, are in readiness to march upon Fort Scott tomorrow for the purpose of destroying the place,

⁴³ John Nelson Holloway, History of Kansas, pp. 508-509; A. T. Andreas, History of the State of Kansas, p. 1067.

scattering the band and perhaps to hang up the leaders of it to prevent them from making similar nests anywhere else . . .⁴⁴

Montgomery sent Dr. Kimberland to renew the application for bail. When the news of Montgomery's intended raid reached the Judge, it had the desired effect. Williams declared that it was unconstitutional to refuse bail and released the free state prisoners on their own recognizance.⁴⁵

Because of the trouble Montgomery had stirred up in Bourbon County in December, John S. Cummings, Sheriff of Bourbon County, wrote Acting Governor Frederick P. Stanton:

Sir: As Sheriff of Bourbon County, I feel it my duty to report to you that, in consequence of an organized and armed resistance to the civil authorities by a body of armed men in this county aided and assisted by men equally lawless, I am unable to serve processes, make arrests, or otherwise perform my official duties; and I have the honor to ask that you have a body of United States troops sent to this point to aid me in enforcing the laws, and to give quiet to the disturbed state of things in this region . . .⁴⁶

As a result, Stanton sent a portion of the cavalry to Fort Scott. This action encouraged the pro-slavery forces and they again started persecuting the free state men. Montgomery was asked to make a trip to Bourbon County by James Y. Johnson. The border ruffians from Fort Scott had stolen some of his stock, and warned him to leave the country. Johnson gave Montgomery a list of the leaders who, it was believed, were staying at Fort Scott. A "writ" for the arrest of the offenders

⁴⁴ Joseph H. Trego to Alice Trego, January 31, 1858, Trego Papers, Kansas State Historical Society.

⁴⁵ A. T. Andreas, History of the State of Kansas, p. 1067; John Nelson Holloway, History of Kansas, pp. 506-507.

⁴⁶ A. T. Andreas, History of the State of Kansas, p. 1067.

was secured from the Squatter Court, and Montgomery and Bayne with forty-three men rode for Fort Scott to make the arrests. The cavalry ordered to Fort Scott by Acting Governor Stanton had left in mid-January. Montgomery was in no danger of running into them when he and his men entered Bourbon County February 10, 1858.⁴⁷

News of Montgomery's arrival in the county was rapidly forwarded to Fort Scott. The town dispatched a deputation to meet him outside the fort and to find out what he wanted. Montgomery told them whom he was after, and they replied that they would turn over the men to him on the condition that they be tried in Fort Scott. The only alternative they offered was a fight. Montgomery declined the offer to hold the trial in Fort Scott and replied, "then fight, that is what we want,"⁴⁸ While Montgomery prepared his men for a fight, the deputation hurried back to Fort Scott to warn the residents. The leading pro-slavery leaders of the town suddenly had to leave for Missouri, and when Montgomery arrived, all those he sought had left the town. When Montgomery's men arrived at Fort Scott, they were treated very well and were invited to breakfast at the free state hotel. After the meal, Judge Williams promised Montgomery that the goods that Johnson had claimed as stolen

⁴⁷T. F. Robley, History of Bourbon County Kansas, p. 94; A. T. Andreas, History of the State of Kansas, pp. 1067-1068; John Nelson Holloway, History of Kansas, p. 511.

⁴⁸Ibid.

would be left at Barnesville within a few days. Not being able to execute the "writs," Montgomery and his men quietly left Fort Scott.⁴⁹

Montgomery's return to Bourbon County was again the occasion for a call for the cavalry. They were ordered to Fort Scott five days after Montgomery's departure from the fort. The presence of the United States Cavalry, headed by George T. Anderson, restored the pro-slavery confidence and instead of delivering Johnson's stock to Barnesville, the Fort Scott authorities issued a challenge to Montgomery: "Come on, we are ready to fight you,"⁵⁰ Not willing to back away from such a challenge, Montgomery sent to Lawrence for a howitzer cannon to use against the fort. Charles F. W. Leonhardt, with a small company of men brought the cannon into Bourbon County. The fort proved to be too well guarded for such a small number of free state men to breach, even with a cannon. Montgomery changed his tactics and decided to drive the pro-slavery men into the fort and lay siege to the town and starve them into submission. After Montgomery and his men struck several pro-slavery settlements, the settlers demanded that Captain Anderson bring his troops from Fort Scott to their aid. The Captain sent them word that if they wanted protection they would have to come to the fort. By the end of February, 1858, the population of Fort Scott increased considerably.⁵¹

⁴⁹L. G. Anderson to brother, February 17, 1858, Richard J. Hinton Papers, Kansas State Historical Society; T. F. Robley, History of Bourbon County Kansas, p. 94; A. T. Andreas, History of the State of Kansas, p. 1068; John Nelson Holloway, History of Kansas, p. 512.

⁵⁰Ibid.

⁵¹Ibid.; John Nelson Holloway, History of Kansas, p. 512.

In early March, Montgomery gave up his efforts. He gave as his reason the need to improve his claim and plant crops. He was hopeful that other militant free state leaders such as Samuel Walker and Reverend Steward, a Methodist preacher, would keep the pro-slavery men in check. Montgomery had another reason for retiring from the field. He and O. P. Bayne had received special orders from James H. Lane, Major General of the Kansas Militia to disband their companies. Lane explained:

Charges of a serious character impugning your conduct as an officer, are on file in this office. The service and cause require their investigation. You will instanter report yourselves here in person. The personal property of the actual settler, without reference to political affinities, must be respected. If this order has been disobeyed, restitution must be had without delay.⁵²

Lane's appointment to Major General by the free state dominated Lecompton Legislature was vetoed by the new Territorial Governor James W. Denver. Even though the Legislature overrode the veto, Denver considered it a direct conflict with his power to be commander-in-chief of the militia. The long conflict between James H. Lane and the various governors of Kansas concerning military authority began. There is no indication that James Montgomery reported to Lane as ordered, but he did give up active command of his men for a few weeks in the early spring of 1857.⁵³

⁵²The New York Times, June 3, 1858. This letter appeared in numerous newspapers during the summer of 1858 including Atchison, Kansas, Freedom's Champion and the St. Louis Democrat.

⁵³Wendell Holmes Stephenson, Publications of the Kansas State Historical Society Embracing the Political Career of General James H. Lane (Topeka: Kansas State Printing Plant, 1930), pp. 93-94.

On March 27, 1858, a claim dispute in Linn County cost the lives of Isaac Denton and a man named "Hedrick." Their murderers were James Hardwicke and W. B. Brockett, both militant pro-slavery men. Denton lived long enough to charge his sons to avenge his death. The sons were either members of Montgomery's band, or at least under the protection of free state people, when the difficulties arose over the claim. Montgomery's leadership was once more put to the test. Trading Post, on the Marais des Cygens river, was a rendezvous point for the more extreme pro-slavery elements in both Missouri and Kansas Territory. One of the known Linn County pro-slavery leaders that often frequented Trading Post was Charles A. Hamilton. Montgomery made Trading Post the object of a raid. He and a small group of men rode into the town and stopped at William Daniels "grocery" saloon. They dumped several barrels of sod-corn whiskey down military road and made it known that they wanted the pro-slavery men to leave the territory. The first temperance crusade in Linn County caused a severe reaction among the pro-slavery elements along the border.⁵⁴

Following the Trading Post raid, Charles A. Hamilton, chief among the border ruffian leaders, reported to Captain George Burgwin Anderson, at Fort Scott, that Montgomery was making a raid in the Marmaton Valley. Deputy United States Marshal and Captain Anderson, with a posse of United States dragoons, began a search for the elusive James Montgomery. The dragoons soon sighted Montgomery and his band of approximately

⁵⁴Atchison, Kansas, Freedom's Champion, May 8, 1858; T. F. Robley, History of Bourbon County Kansas, p. 86; A. T. Andreas, History of the State of Kansas, pp. 302, 1067; Edward R. Smith, "Marais Des Cygnes Tragedy," Kansas Historical Collection, Vol. VI (1897-1900), pp. 366-367; LaCygne, Kansas Weekly Journal, May 24, 1895.

twenty men. Montgomery also saw the dragoons and started to leave the area because he did not want to come in contact with United States troops. The dragoons drew closer and Montgomery had to do something. He and his men turned up Yellow Paint Creek and took defensive positions and waited for the troops.

When the troops arrived, Captain Anderson directed them to open fire. They wounded John Denton who had sworn to avenge his father's death. Montgomery and his men retaliated with a volley and killed one dragoon, wounded two others, and killed a horse which fell pinning a soldier to the ground. Captain Anderson's horse was also killed. After a brief armistice, to free the man pinned down by his dead horse, the dragoons retired to Fort Scott. This was the first and last time United States troops were fired on during the Kansas border troubles by free state men.⁵⁵

After the battle, Montgomery's men wanted to gather a few souvenirs but he would not allow them. Montgomery reasoned:

It is Uncle Sam's property and they were Uncle Sam's boys themselves, it was not right to steal from the old gentleman, but when the old gentleman got out of his place as he did that afternoon, it was perfectly right to learn him his place.⁵⁶

Following this encounter with the United States Cavalry, Montgomery returned to Linn County continuing his threats to the pro-slavery

⁵⁵ Lawrence Republican, April 29, 1858; T. F. Robley, History of Bourbon County, Kansas, pp. 102-103; John Nelson Holloway, History of Kansas, pp. 516-517; William P. Tomlinson, Kansas in 1858, pp. 190-191.

⁵⁶ Ibid., 200.

claim jumpers. On one occasion he ventured north to pay a visit to John Evans, a pro-slavery man living in Johnson County near Olathe. On May 14, 1858, Montgomery and some of his men barged into Evans' house and told him to leave the territory within ten days. Evans refused to go. It was reported that Montgomery took some eight-hundred dollars in gold and a gold watch belonging to the local sheriff, Patrick Cosgrove.⁵⁷

Montgomery was busy in Johnson County when, on the morning of May 19, 1858, Captain Charles A. Hamilton, W. B. Brockett, and roughly thirty Missourians descended on the free state settlers near Trading Post in a retaliatory attack on Linn County. A conservative pro-slavery leader in Linn County and friend of James Montgomery, Judge Joseph Barlow, joined Hamilton in Papinsville, Missouri and tried to persuade the party that an invasion was not the answer. He argued that the lack of adequate arms to compete with the Sharp's rifles and Montgomery's jayhawkers would bring failure. He urged, instead, the use of the courts which were controlled by pro-slavery supporters. Barlow was not able to stop the raid but his arguments, particularly the fear of Montgomery, persuaded the large bulk of the raiders to stay or turn back to Missouri. The remainder of the raiding party rounded up eleven men and marched them to an open gully where Hamilton and his men murdered five, and left the other six for dead. These were only the first of some sixty or seventy whom Hamilton intended to kill. Widely

⁵⁷ A. T. Andreas, History of the State of Kansas, p. 626.

recorded in many sources, this event is remembered in Kansas Territorial history as the Marais des Cygnes massacre.⁵⁸

Montgomery returned from Johnson County the evening of the Marais des Cygnes massacre. The next morning a posse was organized to go to West Point, Missouri, where it was believed Hamilton and his band had fled. At the head of this group were Sheriff McDaniel, Colonel Robert Mitchel, and James Montgomery. As the posse approached West Point, they stopped to decide how they would proceed. Mitchel persuaded them to send in a delegation to ask the leading citizens to come out and have a conference with them. Montgomery violently protested, saying:

Gentlemen, unless you wish to make this day's work a mere farce, and ourselves the laughing stock of the Missourians, go on and surround the town; then after having done that, not partially, but thoroughly and completely, acquaint the authorities with your purpose; tell them that you meant them no harm or disrespect, but you must see the face of every man in West Point, to see if the face of a murderer is there; and to assure yourselves of the fact that all are shown you yourselves must conduct the search.⁵⁹

Mitchel's position held and during the delay several men were seen leaving from the opposite side of town while the delegation was in West Point seeking the leading citizens. Montgomery and his men searched the surrounding area but did not find anyone except a brother of one of the men they were after. This man was soon released. Finally a conference was held with some of the citizens of West Point, but, of course, they claimed to know nothing. The posse then returned to

⁵⁸ A. T. Andreas, History of the State of Kansas, p. 1105. Edward R. Smith, "Marais DeCygnes Tragedy," Kansas Historical Collections, Vol. VI (1897-1900), pp. 367-368.

⁵⁹ William P. Tomlinson, Kansas in 1858, pp. 82-83.

Trading Post. The Missouri border thereafter was so closely guarded that Hamilton never returned to Kansas.⁶⁰

Hamilton placed the responsibility for the massacre on Montgomery and his men. A few weeks after the Marais des Cygnes incident, The New York Times reported Hamilton and Brockett in St. Louis, Missouri, and gave Hamilton's version of the event. Hamilton outlined the plundering, robbing, murdering, and other atrocities, such as making women walk naked down a street and robbing small children, committed by Montgomery and his men. Hamilton explained that all twenty-four of the men on the raiding party into Linn County had been settlers run out of Bourbon County by Montgomery. When they returned, they took twelve prisoners whom they believed were accomplices of Montgomery and released them on their promise that they would not aid Montgomery. Hamilton's men then proceeded to Montgomery's Fort where they were suddenly attacked from behind by one of the men they had just released. They fired on their attackers and killed several. The Hamilton party continued on to Fort Montgomery, chased off some free state men, returned to the area where they were first attacked in order to aid the wounded, and there found a large store of guns. This story provided interesting reading for those who wanted to believe the worst about James Montgomery.⁶¹

Retaliation best describes the activities of Montgomery following the Marais des Cygnes massacre. As the criticism grew concerning his

⁶⁰ A. T. Andreas, History of the State of Kansas, p. 1105.

⁶¹ The New York Times, June 3, 1858, Vol. VII, No. 2092, p. 8.

activities, Montgomery replied publicly to General James H. Lane's earlier order and denied that he was under a commission from the Kansas Territory Military Board and declared that they were not responsible for his conduct:

I am identified with a popular movement in this section of the country, having for its object, a redress of grievances. Our work is a necessary one; and so soon as it is accomplished we will lay down our arms and submit to the laws.⁶²

By the end of May, Montgomery's men were so effective along the border that Missourians were afraid to enter the Territory.⁶³

Appointed Acting Governor December 21, 1858, John W. Denver sent Deputy United States Marshal Samuel Walker of Douglas County to arrest Montgomery and any other free state leaders that might cause further bloodshed. The Governor placed at Marshal Walker's disposal all the troops that he might need to execute the writs. The Marshal refused the troops because he knew Montgomery would not show himself if there were United States troops around. He traveled to Raysville, in Bourbon County accompanied by Henry H. Williams, sheriff of Miami County. They arrived at Raysville, May 20, 1858, where they discovered a free state assembly in session. Reverend Walter Oakley recognized the Marshal and asked him what he wanted. Walker replied that he was going to arrest Montgomery. Reverend Oakley called to his attention the fact that this was not the time or place to attempt anything like the arrest of Montgomery. After looking the situation over, the Marshal agreed with

⁶²Lawrence Republican, June 24, 1858.

⁶³The New York Times, June 3, 1858, Vol. VII, No. 2092, p. 8.

him and remained to listen to Montgomery's speech which was in progress.⁶⁴

Montgomery was advocating going to Fort Scott to retaliate against the pro-slavery people who were in sympathy with the Hamilton band. Montgomery knew that a United States Marshal was attempting to arrest him and he told the group, adding that the authorities always arrested free state men and never the pro-slavery group. He concluded by saying:

The troops I have the honor to command are of the order called "guerilla," and are bound by the rules of strict guerrilla warfare. We make not, as falsely charged, a war upon all who differ with us politically, but only on those who have been and are warring upon our people. The quiet, peaceable Pro-Slavery man has nothing to fear from us; he may remain among us, and enjoy his political opinions unmolested. We will protect, and have protected him in his rights. Two of my nearest neighbors are Pro-Slavery men, yet they have lived by me for years and have never been disturbed. But the violent Pro-Slavery man who will not give us the country we have fairly conquered, but still continues to molest, disturb, and kill the peaceable settlers; we go to and say to him this county is ours; you and I have fought which shall have it, and we have fairly conquered you, and mean to have it. In so many days you must leave it. And as the idea of "guerilla" is self-sustaining, we also say, if you have any money, we must have some of it, and if you have any horses, we must have them for service, etc. Yet I am very careful not to allow my men to take from any but persons of this description. If they do, I expel them immediately from my company, and restore the articles to their rightful possessors. I never allow an outrage to be committed on a woman. Whatever she claims, no matter who or what her husband may be, is sacred. If I have ever taken life, it has been in the heat of battle, and my men are strictly prohibited from taking life in any other manner. I did say in a moment of excitement, while standing over the dead bodies of the men killed at that terrible massacre of the Marais des Cygens, that for every dead man lying on the ground reddened with

⁶⁴ James W. Denver to Samuel Walker, May 12, 1858, "Governor Denver's Administration," Kansas Historical Collections (1889-1896), Vol. V, pp. 488-489; T. F. Robley, History of Bourbon County, Kansas, p. 113; A. T. Andreas, History of the State of Kansas, p. 1068.

his blood, I would require ten of his assassins, and for every wounded man I would have five, but in a short time that feeling passes away. I reflected that man was not to be the avenger, that was an attribute of the Divinity alone, and that He had said, "As a man sows, so shall he reap," and "as he metes, so shall it be meted unto him again,"⁶⁵

Members of the assembly agreed upon the expedition to Fort Scott.

Marshall Walker arose to address the meeting. Walker, a free state man, had difficulties with the border ruffians of Missouri. Without mentioning that he had a writ for the arrest of Montgomery, he told the assembled group that he was going to Fort Scott and arrest George W. Clark and others who may have been involved in the Marais des Cygnes massacre, but that he needed a posse to assist him. The free state men secured writs for the arrest of the Fort Scott men from a Justice of the Peace. Although a United States Marshal had no right to serve a writ of arrest issued by a Justice of the Peace, the Marshal could obtain no other authority and said he would make it do the job. The Marshal led the group of some seventy-five men into Fort Scott.⁶⁶

Walker informed Montgomery through his friends that he should either keep out of his way or prevent himself from being recognized by the Marshal so that he would not have to execute the writ he had for his arrest. Montgomery disguised himself in a large shawl and a Spanish hat that covered most of his face and rejoined the posse about two miles outside of Fort Scott. The Marshal sent a small group of men to the east side of Fort Scott to prevent any quick exits into Missouri.

⁶⁵William P. Tomlinson, Kansas in 1858, pp. 133-136.

⁶⁶T. F. Robley, History of Bourbon County, Kansas, p. 114; Nelson Holloway, History of Kansas, p. 322.

The Marshal's posse entered the town on Sunday morning, May 30, 1858. A search immediately took place. One house, the pro-slavery hotel, and the hospital were searched, and several pro-slavery men arrested. The posse proceeded to Clark's house where Clark had secured the doors and refused to surrender. By this time, the pro-slavery men stood facing the free state men in front of his house not more than ten feet apart with revolvers and rifles ready. Marshal Walker gave Clark five minutes to surrender. A few tense minutes passed and Clark finally surrendered after the Marshal assured him that he was in command of the posse. Clark insisted on seeing the writs for his arrest, but the Marshal refused to show them because they were not technically legal.⁶⁷

Montgomery was recognized by Deputy United States Marshal of Fort Scott, Captain William T. Campbell who also had a writ for his arrest. At this point, Montgomery and his men decided it was best to leave and avoid being arrested. This left Marshal Walker and his assistant alone with their prisoners in a pro-slavery town. Walker asked Marshal Campbell for a horse in order to overtake Montgomery and persuade him to surrender. Campbell complied and soon the Marshal overtook Montgomery. He explained to Montgomery the situation in Fort Scott and argued that the only safe way that he could return for his prisoners was to bring Montgomery in as one. He said that it would be an unpleasant task to attempt to place him under arrest. Montgomery, however, was agreeable and told the Marshal that he had done nothing to be afraid of if he

⁶⁷William P. Tomlinson, Kansas in 1858, pp. 143-144; Lawrence Herald of Freedom, June 26, 1858; Nelson Holloway, History of Kansas, pp. 522-523.

received a fair jury trial at Lecompton. Montgomery gave his knife, rifle, and revolver to others in his group and delivered himself to the Marshal. Walker returned to Fort Scott with Montgomery where he turned the pro-slavery prisoners over to Captain Nathaniel Lyon stationed there, on the promise that he would send them to Lecompton the next day for trial. When Captain Lyon saw Montgomery, he reportedly said:

I have heard of you, I have heard a great deal of bad about you, and I hope you have given yourself up in good faith, and will stand your trial as a law abiding citizen should, and quietly acquiesce in the decision of the court. You must be sensible, you have done a great deal of mischief. Here in Fort Scott we are a law-loving and law-abiding people. I never saw in a place where there was such peace, such quietude and sociability, and we are sorry that you have plunged the country into such a distracted condition.⁶⁸

Unless this was a tongue-in-cheek speech, it is unlikely that Lyon made any such remarks. He was a strong abolitionist and often complained about the difficulties of carrying out orders of pro-slavery leaders in Kansas Territory.⁶⁹

Marshal Walker left Fort Scott with Montgomery as his prisoner. The next day, at Raysville, a courier overtook the pair with a message from Captain Lyon which informed the Marshal that Captain Campbell had released the prisoners at Fort Scott on a writ of habeas corpus. This was the undoing of everything Walker had accomplished. Montgomery had given himself up in order that the Marshal might keep his prisoners at Fort Scott, and now they had been released. Walker freed Montgomery

⁶⁸William P. Tomlinson, Kansas in 1858, pp. 150-151, 147-148; T. F. Robley, History of Bourbon County, Kansas, p. 114.

⁶⁹Theodosius Botkin, "Among the Sovereign Squats," Kansas Historical Collections, Vol. 7 (1901-1902), p. 418.

saying that if they had broken their promise there was no reason why he should keep Montgomery a prisoner. On releasing Montgomery, the Marshal told him, "to stay and fight it out,"⁷⁰

Montgomery took the Marshal's advice and soon started making plans for his own raid on Fort Scott. In a speech he gave the following reasons for such action:

The people of Fort Scott, in releasing the murderers arrested by Sheriff Walker, without even the farce of a trial, and in utter defiance of public sentiment and the laws of honor, had forfeited all claims on the protection of the freemen of Kansas, and plainly proven that they preferred hostilities to an adjustment of difficulties. If guerrilla warfare was to be continued and the gauntlet had been thrown down by the ruffians of the Fort--he was decidedly in favor of striking a blow at the enemy that would convince them that the Free State party of Southern Kansas was in earnest--that if they provoked war they should have war, and as Fort Scott was the hotbed of villainy and corruption, Fort Scott was the proper point of attack. A well-directed assault on the Fort, convincing the citizens that unless there was a change their town must fall, might possibly induce them to send for the Governor, whose presence could do no harm, and might perchance be productive of good.⁷¹

With this reasoning in mind, Montgomery and his men left for Fort Scott on June 6, 1858, and because of a rain storm did not reach the fort until nearly midnight. They entered the town without being seen, and after quietly taking care of the guards, gathered straw to fire the pro-slavery hotel. For some reason, probably the rain, the straw fire did not ignite the building, but people gathered quickly in an attempt to put out the flames. As they arrived at the scene, Montgomery fired at them to prevent their extinguishing the blazing straw. As the

⁷⁰William P. Tomlinson, Kansas in 1858, pp. 161.

⁷¹Ibid., p. 211.

fire burned out, Montgomery and his men retreated from the fort. They withdrew about five miles to the big bend of the Marmaton River where they waited for a retaliatory attack which did not take place.⁷²

Montgomery's Fort Scott raid may have been the reason Marshal Campbell and Deputy United States Marshal Charles Dimon visited Linn County with warrants for the arrest of about sixty free state men. When the party stopped for dinner at the hotel in Mound City, Montgomery quickly discovered their presence and made arrangements for their capture. Alpheus Hiram Tanner and another young man of Mound City rode out under Montgomery's instructions to the house of Henry Seaman and his brother Ben. The four men rode back toward Mound City. When they met the marshals, Montgomery's men drew their guns and ordered them to halt. The marshals were disarmed, and the warrants taken from them. The prisoners were led back to Mound City where a large crowd met the party and Montgomery and Charles Jennison made speeches. Montgomery compromised with the prisoners, agreeing to return all their personal possessions except their guns and warrants if they signed an agreement never to return to Linn County and arrest any more free state men. The marshals agreed but insisted that since they had to give up their arms they be given safe escort from the County. Montgomery informed them that they were safer without arms than with them, but accompanied them south for a few miles.⁷³

⁷²Ibid., pp. 213-217.

⁷³Alpheus Hiram Tanner, "Early Days in Kansas: The Marais des Cygens Massacre and the Rescue of Ben Rice," Kansas Historical Collections, Vol. XIV (1915-1918), pp. 227-228.

The situation that existed between the pro-slavery and free state settlers in Linn and Bourbon Counties caused disharmony within the Territory and near war with Missouri. Governor Denver made a trip to Linn and Bourbon Counties for the purpose of making a personal effort for the conciliation of the people. He arrived at Moneka, a little over a mile northeast of Mound City, on June 12, where he remained overnight. The next morning, the Governor's party stopped at Montgomery's Fort where Montgomery and a few of his men joined the group.⁷⁴

The Governor's party, including Montgomery and some of his men, stopped at Raysville on their way to Fort Scott. While stopping at a local residence for a meal, Edmund Babb, a publisher and one of the Governor's party, drew Montgomery into a conversation. Babb wrote the following report of this conversation for the Cincinnati Gazette:

At Raysville I found myself seated by the side of the guerrilla chieftain, Montgomery. He is a fine looking man, and in personal appearance strongly resembles John C. Fremont. He is a remarkable person in many respects. There is none of the swagger and bravado of the Jim Lane class of heroes about him. He talks mildly, using good English, and quotes from the Scriptures freely and correctly. He is one of the most intelligent men I ever met with, and I learned more from him in an hour's conversation concerning the political history, the geology and natural resources of the Territory, than I had previously acquired from Prof. Daniels and all the men of science with whom I am acquainted in Kansas.⁷⁵

That afternoon, the Governor made a speech in which he first outlined what became widely known as the "Denver Peace Treaty." The treaty reflected the influence Montgomery had on the Governor in the

⁷⁴James W. Denver, "Address of Ex Governor Denver," Kansas Historical Collections (1883-1895), Vol. III, p. 364.

⁷⁵Atchison Freedom's Champion, July 24, 1858.

short time they had been together. The Governor addressed the citizens of Raysville:

I have come to Southern Kansas at your urgent solicitations, to assist by my presence, in removing existing difficulties from your midst. In the prosecution of my purpose, I shall treat the actual settlers without regard to past differences--I shall know no name and know no party. I do not propose to dig up or review the past. I believe both parties have been to blame for by-gone difficulties, but with that I have nothing to do. My mission is to secure peace for the future. I propose as the basis for an agreement, whereby to produce tranquillity throughout the Territory, the following conditions:

1. The withdrawal of the troops from Fort Scott.
2. Election of new county officers in Bourbon County by the citizens of the county, irrespective of party.
3. The stationing of troops along the Missouri frontier, to protect the settlers of the territory from future invasions.
4. The suspension of the execution of all old writs until their legitimacy is authenticated before the proper tribunal.
5. The abandonment of the field by Montgomery and his men, and all other parties of armed men, whether Free State or Pro-Slavery.⁷⁶

When Governor Denver finished, Montgomery was called upon to make a speech. Everyone considered him as the person responsible for the Governor's treaty. The famous speechmaker replied to the Governor's proposal:

I have listened with great attention to the remarks which you have just heard, and it gives me much pleasure to be able to say that I mainly agree with them. On behalf of the citizens of Southern Kansas, I thank the Chief Magistrate of our distracted land for the spirit of justice by which he seems actuated. All the Free State party desires is justice; it has been a stranger to us a long time, and will hail this fair and honorable agreement with delight. That part of the agreement which refers to myself is particularly pleasing. In the last seven months I have not

⁷⁶William P. Tomlinson, Kansas in 1858, pp. 233-234.

been as much as a fortnight at home, and a return to it will give me sincere pleasure. It has not been choice that has kept me away, but necessity. While my country needed my service I could not leave the field, however great the temptation to do so. To-day three hundred men follow, when needed, the banner and fortunes of Montgomery. When the governor redeems his pledges given to-day, I will respect their side of the treaty, I and my party will respect ours.⁷⁷

Following the speeches, the peacemakers traveled on to Fort Scott where the next morning the Governor gave practically the same speech. This was not what the pro-slavery forces wanted to hear. Governor Denver asked Governor Ransom, ex-governor of Michigan, to express his views as to the cause of the troubles and suggest possible solutions that the territorial government could carry out. Ransom, a judge at Fort Scott, proceeded to condemn Montgomery and other free state leaders, saying that they should be brought to trial and punished. Judge Wright, with the Denver party, made a short speech opposing Ransom and condemning the Fort Scott people. Before the Judge finished, Ransom interrupted saying, "That's a g-- d--- lie! and we don't allow anyone to come into Fort Scott and talk as you do! We rule the roost here!"⁷⁸ Only Governor Denver's timely interference kept the speakers' platform from becoming a boxing ring.⁷⁹

After this disturbance was settled, the Governor asked all the county officers of Bourbon County to resign. Then he explained to the people that the governor had the power to reappoint anyone to fill the

⁷⁷ Ibid., p. 234.

⁷⁸ Ibid., p. 238.

⁷⁹ James W. Denver, "Address of Ex Governor Denver," Kansas Historical Collections (1883-1885), Vol. III, pp. 364-365.

vacancies but would appoint the ones the majority desired. The voters held an unusual election on the spot. The candidates were selected and asked to stand at one side of the public square. The voters then lined up beside their choice and two men were appointed to count the "votes" and give the name of the majority winner to the Governor. This procedure was carried out for all the vacancies in the county and seemed to be satisfactory to all concerned.⁸⁰

Governor Denver left Fort Scott on June 16, and all factions were at peace. The Governor was well pleased with his success, and he wrote in a report to Secretary of State Lewis Cass that "I flatter myself that these efforts are about to be crowned with complete success."⁸¹

The Governor's party traveled to Barnsville, north of Fort Scott, and Trading Post, where more speeches were made by Governor Denver, Reverend Thomas J. Addis, Doctor Charles Robinson, Judge Wright, and James Montgomery. The sense of peace that followed the Denver tour was expressed in various ways. For one, it gave rise to a new border song:

Now set your flags a-flying,
And beat the ready drum,
For joy to Southern Kansas,
The Governor has come!

He's cowed the Fort Scott ruffians
He's set the people free,
And all their brave defenders
He's treated clemently.⁸²

⁸⁰ Ibid., 365.

⁸¹ James W. Denver to Lewis Cass, June 23, 1858, Kansas Historical Collections (1889-1896), Vol. V, p. 335. In this report Governor Denver made no mention of his contact with Montgomery and made only derogatory remarks about his activities.

⁸² William P. Tomlinson, Kansas in 1858, pp. 228, 266; Lawrence Republican, June 24, 1858.

Montgomery enjoyed his increased popularity and abided by the Denver agreements, refusing assistance to those who believed they had just grievances. He referred them to Governor Denver to deal with their complaints. The Fourth of July celebrations in Linn and Bourbon Counties took on special significance as occasions for the expression of gratitude the people felt because of the "Denver peace." Because this holiday fell on Sunday in 1858, Linn County held its celebration on the third of July and Bourbon County on the fifth. This gave Montgomery an opportunity to address at least two different celebrations. At Sugar Mound, he mentioned the fact that he was making the speech on the same spot where he had escaped from Clark's men in 1856. He gave thanks to the "Great Supreme" for the peace that all enjoyed. Finally, he called attention to the fact that the town needed schools, churches, and a regular ministry.⁸³

At Raysville, in Bourbon County, the celebration was more extensive. Here the ladies of the county presented Montgomery with a new fifty-dollar suit of clothing because he had worn out his old clothes in their defense. It was also "a testimonial of their confidence in his purity of character and manly courage in defense of the country."⁸⁴ The Lawrence Republican gave the following description of the festivities at Raysville:

The Captain, on receiving them, [clothing] responded in a speech evincing deep emotion and feelings of the tenderest kind. The procession formed at 10 o'clock, a.m.

⁸³The New York Times, July 13, 1858, Vol. VII, No. 2125, p. 1; William P. Tomlinson, Kansas in 1858, pp. 265-266.

⁸⁴Ibid., p. 267.

under the direction of H. G. Moore as chief marshal, marching to a beautiful grove nearby. Prayer was offered by Rev. J. Marr. The Declaration of Independence was read by D. B. Jackman, Esq. J. B. Danford, Esq. of Linn county gave the oration, which fully sustained the expectation of his most sanguine admirers. The dinner did credit to the ladies, the committee of arrangements, and all concerned. As a thing noticeable in the dinner procession, we mention that Judge Williams of the 3rd judicial district of Kansas, walked arm in arm with Captain Montgomery. (Don't tell James Buchanan or G. W. Brown of this.) The inner man being well satisfied and the cloth removed, the intellectual man enjoyed a feast which is seldom equaled and never surpassed.⁸⁵

The dance that followed reputedly lasted till sunrise the next morning.⁸⁶

The tension of past months was over. The peace stimulated business, trade, and emigration. The Lawrence Republican ran this notice: "A word to emigrants seeking homes. Peace and tranquility reign in Linn and Bourbon Counties. All is quiet,"⁸⁷ Montgomery returned home after his many months of absence and settled down to farming.

Sometime between June 27 and July 9, 1858, James Montgomery first met John Brown of Osawatomie. Their paths had crossed several times, but it appears no previous personal meetings had taken place. They both grew up in Ashtabula County, Ohio, and had been active in driving pro-slavery men from the Territory of Kansas. They both wanted to see slavery abolished, but they had slightly different views as to how it should be achieved. On July 9, Brown wrote his son, "I am now writing

⁸⁵ Lawrence Republican, July 15, 1858.

⁸⁶ Ibid.; Freedom's Champion, Atchison, July 31, 1858.

⁸⁷ Lawrence Republican, July 15, 1858.

in the log cabin of the notorious Captain James Montgomery, whom I deem a very brave and talented officer, and, what is infinitely more, a very intelligent, kind, gentlemanly, and most excellent man and lover of freedom."⁸⁸ It was signed "Shubel Morgan," the name John Brown often used. Three days later, Montgomery joined "Shubel Morgan's" Company, beginning a not too harmonious friendship between James Montgomery and John Brown.⁸⁹

The free state people were waiting for the opportunity they had been promised to vote again on the Lecompton Constitution. In Congress, the Constitution had been passed by the Senate and defeated in the House. The House wanted to send it back to Kansas for another vote. This time the vote was either to accept or reject the constitution in its entirety. The Senate agreed to this arrangement on condition that the English Bill be passed in connection with sending the constitution back for another vote. The English Bill provided that if the Lecompton Constitution should be accepted by the voters, the state would receive:

section 16 and 36 in each township for the use of schools, seventy two sections for a State University, and ten sections for public buildings, amounting in all to 5,500,000 acres of land; also all the salt springs within the Territory, not exceeding twelve in number, and six sections of land with each spring; also 5 per cent of all public lands for the construction of state roads.⁹⁰

⁸⁸ John Brown to wife and children, July 9, 1858, Boyd B. Stutler Collection of John Brown Papers, Ohio Historical Society, Columbus, Ohio.

⁸⁹ "Third Bienial Report," Kansas Historical Collections, Vol. III (1883-1885), p. 42.

⁹⁰ A. T. Andreas, History of the State of Kansas, p. 170.

On the other hand, if the voters rejected the Lecompton Constitution, the state would have to meet certain stipulated population and census requirements, which could take several years, before they could draw up another state constitution.

The election took place on August 2, 1858, and neither the bribe nor the threat in the English Bill kept the free state voters from rejecting the Lecompton Constitution. The official returns showed the free state party with a majority of 9,512 voters out of a total of 13,088 votes cast.⁹¹

The events in Linn and Bourbon Counties during the years 1856 to 1858 brought the people along the Kansas-Missouri border to the brink of a civil war. The doctrine of popular sovereignty suffered from several major flaws. The answer to the question of whether or not Kansas would become a free or slave state changed as the legitimate population of the Territory increased and shifted the majority from pro-slavery to free state. However, territorial laws and the Lecompton Constitution drawn up by the early pro-slavery majority caused tempers to flame as they were perpetuated by the pro-slavery appointees after the free state position became the majority. Political appointments by the President and in turn by the Governor of the Territory did not reflect the shifting majority and the views of the elected officials of the Territory. Bitter conflicts raged between the pro-slavery appointees and the free state elected officials. Even though the Territorial Governors often attempted to restore peace in Kansas Territory, they were caught in an impossible political quagmire. A

⁹¹Ibid., p. 171.

succession of governors and Acting Governors only added to the confused political situation. At the grass roots level, the flame of discontent fed on the land claim disputes. As renegade bands of men from both Missouri and Kansas Territory drove legitimate settlers from the claims, the number of disputed claims increased. The appointed pro-slavery judges had little sympathy for the free state settlers and the resulting squatter courts only aggravated an already unstable situation. With the increasing free state population, the battle of the ballots between the free state and pro-slavery parties over the issue of slavery in Kansas came to an end. The battle was won, but victory was not complete, and "bleeding Kansas" was to bleed some more before she became a State of the Union in 1861.

CHAPTER IV

FREE STATE DOMINATION

By the fall of 1858, the free state party held full control of elective positions in Kansas Territory, however, Territorial Governors appointed by President Buchanan were obligated to favor the pro-slavery party. Because of his treaty with Montgomery, who represented the free state party, Governor Denver was forced to resign. The concessions that he made to the free state party met Buchanan's disapproval, and, had not Denver resigned, he would have been removed. The Denver compromise dissatisfied many of the pro-slavery people who felt that Montgomery and his men, plus other similar free state leaders, should be tried and punished for their crimes.

All remained quiet, however, until the night of October 30, 1858. John Henry Kagi, later to be John Brown's second in command at Harper's Ferry, and George Gill, another of Brown's company, were guests on that night in Montgomery's house when shots were fired into it in an attempt to assassinate Montgomery and his family. Montgomery and his guests were asleep when the intruders called. When Montgomery asked who was there, a voice outside replied, "Get up, we have a writ for you and have orders to take you dead or live."¹ Montgomery doused the fire in the fireplace and picked up his rifle. Kagi and Gill also grabbed

¹Atchinson, Freedom's Champion, November 20, 1858.

their guns. Montgomery opened the door and raised his rifle when two shots were fired at him. The shots only grazed Montgomery's clothing but the slugs and bullets struck various places in the room including the bed where his children slept. As Montgomery's family sought safety, Kagi and Gill attempted to fire at the would-be assassins through chinks between the logs. Their guns misfired so all they could do was remain within the safety of the cabin. The raiding party, some ten or twelve strong, left the area about a half hour later.²

Captain A. J. Weaver, in charge of the militia along the border in accordance with the Denver agreements, reported the story to Acting Governor Hugh S. Walsh:

We here do not credit the report, but believe it a pure fabrication, for the purpose of affording an excuse to commence plunder and murder. He [Montgomery] implicates myself and several other citizens here and swears he will have our lives.³

Others also seemed to think that this episode was just a fabrication to give Montgomery an excuse to resume his jayhawking activities. Two months later the Lawrence Republican reported that "All now concede, however, that there was a cowardly and assassin-like attack upon Montgomery and his family"⁴

² The New York Times, November 23, 1858, Vol. VIII, No. 2239, p. 1; A. T. Andreas, History of the State of Kansas, p. 1069; Lawrence Herald of Freedom, November 13, 1858; Lawrence Republican, November 11 and December 9, 1858.

³ A. J. Weaver to Hugh S. Walsh, November 15, 1858, "Governor Denver's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 348.

⁴ Hill Peebles Wilson, John Brown Soldier of Fortune, A Critique (Cedar Rapids: The Torch Press, 1913), p. 266; Herald of Freedom, Lawrence, November 20, 1858; Oswald Garrison Villard, John Brown, 1800-1859: A Biography Fifty Years After (Cambridge: The Riverside Press, 1911), p. 363.

On the night of the attack John Brown slept at the home of Augustus Wattles, a short distance from the Montgomery cabin. Because of this attack, Brown had some of his men strongly fortify the cabin of Montgomery's mother-in-law, which was also nearby. In a letter written two days after the attack, Brown wrote his family that "things at this moment look quite threatening along this line."⁵

This surprise attack marked the beginning of another round of border troubles involving Montgomery in Linn and Bourbon Counties. The attack may have been instigated by the pro-slavery people who were dissatisfied with the Denver treaty, or there is another possible explanation. Before the Denver treaty, several bands of men made their way by robbing and plundering and using the free state cause for an excuse. Montgomery had helped drive some of these roving bands out of the country and now, since the treaty, they could no longer use the same old excuse. Several months had passed and these scavenger bands were desperate for food and money. One of the groups could have fired into Montgomery's cabin knowing full well the settlers would believe he would take to the field again. There is no evidence that Montgomery took to the field, but there is evidence that other bands did. The Reverend Stewart, whom Montgomery had run out of the country earlier, had been recognized in Bourbon and Johnson County early in November in different raids. He told those he attacked that he operated under Montgomery's orders. Joseph U. Gamble, a special investigator for acting Governor Walsh, reported, "the majority of the people seem

⁵ Ibid., quoted in, p. 363.

to think that the crimes of Stewart and others are laid at Montgomery's door."⁶

On the strength of various reports that Montgomery had again resumed jayhawking, a grand jury on November 12, 1858, indicted Montgomery for destroying the ballot-box at Sugar Mound in January, 1858. Montgomery found out about the indictment and that night entered the house of John D. Rounds, a grand juror of Linn County, and made Rounds tell him the transactions of the court. The next day, November 13, Montgomery entered the clerk's office at Paris and demanded to know if there were any indictments filed against him or his men. He found the ballot-box indictment and immediately gave himself up and posted bond. He said, however, that if there were any indictments filed on him or his men for jayhawking prior to the Denver treaty he would "resist to the death."⁷

Although not specifically stated in the Denver treaty, Montgomery and his men understood a "Secret Article," which would let "by-gones be by-gones" and no arrest would be made for offenses prior to the Denver agreements. The situation developed against which Montgomery had been protesting. Benjamin Rice, one of the men with Montgomery when they fired on the United States dragoons, had evidently joined Reverend

⁶ Joseph U. Gamble to Hugh S. Walsh, November 30, 1858, "Governor Denver's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 559; Ibid., Joseph Williams to Hugh S. Walsh, November 20, 1858, p. 554.

⁷ A. J. Weaver to Hugh S. Walsh, November 15, 1858, "Governor Denver's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 548; Ibid., Joseph Williams to Hugh S. Walsh, November 20, 1858, p. 554; Ibid., Theodosius Botkin, "Among the Sovereign Squats," Vol. VII (1901-1902), pp. 403-404; Lawrence Herald of Freedom, November 20, 1858.

Stewart's band. Captain John Hamilton captured Rice following a raid of the Stewart band and took him to the Free State Hotel in Fort Scott for safekeeping, since no jails or prisons existed in Kansas Territory at this time. Rice was charged with the murder of a man named "Travis," an incident that had taken place well before the Denver treaty.⁸

Montgomery contended that the action violated the Denver treaty. Several meetings were held to determine just what the Denver treaty meant. The Governor had said, "let by-gones be by-gones" and Montgomery supporters said:

that they did not understand that the grand jury was to have any jurisdiction on any difficulty previous to the date of said treaty. They said they had to take and use unlawful means to rid the county of Brockett's company, Hamilton's company, besides others, that they protected all honest men, irrespective of parties, and as they had to use unlawful means to drive those men out, they don't intend to be either harassed or hanged for it.⁹

In the meeting held at Osage City on December 2, 1858, a vote was taken to determine what the treaty meant. Montgomery's interpretation won by a vote of 109 to 62.¹⁰

The next meeting took place at Sugar Mound, December 6, to adopt a resolution or agreement to replace the Denver treaty. This new peace agreement was drawn up by John Brown and James Montgomery and presented by Montgomery at this meeting. It was in effect a renewal of

⁸ John Nelson Holloway, History of Kansas, p. 626; Joseph Williams to Hugh S. Walsh, November 20, 1858, "Governor Denver's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 554.

⁹ Joseph U. Gamble to Hugh S. Walsh, November 30, 1858, "Governor Denver's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 559.

¹⁰ Ibid.

the Denver treaty with the "secret article" included.

AGREEMENT

The citizens of Linn County, assembled in mass meeting at Mound City, being greatly desirous of securing a permanent peace to the people of the Territory generally, and to those along the border of Missouri in particular, have this day entered into the following agreement, and understanding, for our future guidance and action, viz:

Article 1. All criminal processes, against any and all Free-State men, for any action of theirs previous to this date, growing out of difficulties heretofore existing between the Free-State and Pro-Slavery parties, shall be forever discontinued and quashed.

Art. 2. All Free-State men held in confinement for any charges against them on account of former difficulties, between the Free-State and Pro-Slavery parties to be immediately released and discharged.

Art 3. All Pro-Slavery men, known to have been actively and criminally engaged in the former political difficulties of the Territory, and who have been forcibly expelled, shall be compelled to remain away, as a punishment for their oft repeated and aggravated crimes.

Art. 4. No troops, marshal or other officers of the General Government, shall be either sent or called in to enforce or serve criminal processes for any act prior to this date.

Art. 5. All parties shall hereafter in good faith discontinue, and thoroughly discountenance acts of robbery, theft or violence against others on account of their political differences.

The following recommendation was unanimously agreed to by the meeting: That we earnestly recommend that all those who have recently taken money or other property from peaceable citizens within this county, restore the same to their proper owners.¹¹

The Sugar Mound agreement had hardly reached the press before it was violated. The authorities at Fort Scott refused to release Benjamin Rice in accordance with the agreement. Montgomery immedi-

¹¹ Lawrence Republican, December 16, 1858; The New York Times, December 24, 1858, Vol. III, No. 2266, p. 1.

ately organized a party of men who gathered at Fort Bain, near the head of the Osage in Bourbon County. The force numbering between seventy-five and one hundred was composed not only of Montgomery's men but free state men from Lawrence, Osawatomie, and Emporia. The objective of the force was the release of Ben Rice. John Brown's arrival brought up the important question of leadership. Brown's plan was to destroy Fort Scott and kill all who resisted. Montgomery had no plan of attack, but he did not advocate violence of any kind. Montgomery contended that the people of Linn and Bourbon Counties looked to him as their leader and depended on his judgment. A few of the men present supported Brown, but more supported Montgomery, and he assumed command. Brown remained at the fort and did not take part in the affair. John Brown did not like to serve under the command of another, particularly one without a plan of attack. Brown was a planner. Later Montgomery said, "If Brown had been in command of the party instead of myself, not one stone of Fort Scott would have been left upon another."¹²

The invaders entered the town just at daybreak. Montgomery divided his men into three squads and headed for the Free State Hotel. The party then broke up into squads and surrounded the hotel. The men in front quickly gained access to the building and reached the third floor where Rice was being held. They found him chained to the floor, but soon released him by severing the chain with a large axe.

¹²Alpheus Hiram Tanner, "Early Days in Kansas," Kansas Historical Collections, Vol. XIV (1915-1918), p. 231.

While the release of Rice was taking place, action was quickly developing in a small store just behind the Free State Hotel. John Little, the son of the owner, lived with his family at the rear of this store. With him also that night was George A. Crawford, one of the original organizers of the town of Fort Scott and owner of the Free State Hotel. When the commotion around the hotel woke Little, he grabbed his gun, ran to the front door, and fired at the armed mob. He wounded Ben Seaman and John Henry Kagi. Little had just closed the door when a ball came crashing through it, just above his head. He went to the side door and climbed on a dry goods box in order to look out the transom to see what was taking place. The window was dusty and Little started to clean it with his handkerchief so he could get a better look. The moving handkerchief was noticed by one of Montgomery's men who fired at it with his Sharp's rifle, hitting Little directly in the forehead and killing him instantly. The free state men thought that there were armed men in the building so "Betsy," the small cannon Montgomery had brought along, was aimed at the store. After forcing the doors of the store open, the men found Little's body.¹³

Undeterred by the sight, some of the men, seeing the dry goods, boots and saddles, began helping themselves. Crawford asked Montgomery

¹³Ibid., pp. 230-232; T. F. Robley, History of Bourbon County Kansas, pp. 129-132; A. T. Andreas, History of the State of Kansas, p. 1070; Lawrence Herald of Freedom, December 25, 1858; John Nelson Holloway, History of Kansas, pp. 543-544. "Betsy" is now on display at the Kansas State Historical Society in Topeka.

to stop them from stealing, but once the looting started, Montgomery found it impossible to stop. He confined the looting to the store and the hotel. The various estimates of articles reported stolen from the store ran from one to seven thousand dollars.

The killing of Little hurt the free state cause. The pro-slavery forces now had more political ammunition and used it to further influence the new Governor, Medary, against Montgomery. The first official letter received by the Governor was an account of this affair. On December 28, Medary requested four companies of cavalry from Fort Riley to quiet the disturbance in Bourbon County.¹⁴

John Brown's trip into Missouri and his liberation of eleven slaves by armed force on December 20, 1858, added to the disturbances of the time. Brown returned to Linn County with the slaves and two white prisoners and spent the night at the home of Augustus Wattles, two miles north of Mound City. Montgomery and some of his men were staying at the Wattles home that night and were awakened

by the chattering and laughing of the darkies as they warmed around the stove while Mrs. Wattles was getting supper. Montgomery put his head down the stairway, exclaiming: "How is this, Capt. Brown? Whom have you here?" Brown replied, waving his hat around the circle, "Allow me to introduce to you a part of my family. Observe I have carried the war into Africa."¹⁵

The next morning, Brown sent the slaves on to Osawatomie, while he remained near the Missouri border in expectation of a retaliatory raid.

¹⁴James E. Jones, William T. Campbell, and Charles Bull to Samuel Medary, December 18, 1858, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 562.

¹⁵Oswald Garrison Villard, John Brown, p. 371.

He warned Montgomery to be prepared.¹⁶

Governor Medary's official mail was filled with accounts of Montgomery's outrages and with outrages of other free state leaders. As a result, the Governor offered a reward of two hundred fifty dollars for Brown and Montgomery, while Missouri Governor Robert M. Stewart offered a three thousand dollars reward for the capture of John Brown.¹⁷

Early in June, 1858, citizens along the border in Missouri had reported to Governor Robert M. Stewart their fears of Montgomery and his men. They explained how he drove settlers he did not like out of the Territory and into Missouri, and "would attack Missouri--the towns of Butler and West Point were mentioned."¹⁸ Adjutant General George A. Parsons informed the Missouri Governor that he feared Montgomery would attack Missouri in retaliation for the Charles A. Hamilton raid in May. He also reported that Montgomery proposed a meeting at West Point, Bates County, Missouri, to make a treaty with the citizens there.¹⁹

In response to these reports, Governor Stewart made plans to place militia troops along the border and informed Governor Denver of

¹⁶ Ibid., 373.

¹⁷ Samuel Medary to House of Representatives, January 11, 1859, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 592; Oswald Garrison Villard, John Brown, p. 371.

¹⁸ Jonas Viles, (ed.), "Documents Illustrating the Trouble on the Border," Statement of a citizen of Bates County, Missouri, Joseph Clymer, June 5, 1858, Missouri Historical Review, Vol. I, No. 1 (October 1906), p. 201.

¹⁹ Ibid., George A. Parson to Robert M. Stewart, June 4, 1858, pp. 205, 207.

his intentions. Denver pleaded with Stewart not to aggravate the situation because:

peace has been fully restored and supremacy of the civil authority is established in the troubled districts. . . . I am satisfied that the only marauders now in this territory are organized bands of horse thieves such as are too common in all new countries, especially where they can so easily elude the officers of one state or territory by passing across the boundary line into another, and whose depredations are by no means confined to either.²⁰

After this rebuff, nothing more was heard from Governor Stewart until after the John Brown raid in December. The Missouri Governor at first blamed Montgomery for this raid and planned to capture the jayhawker. Governor Medary, of Kansas Territory, quickly informed Stewart that United States troops had been ordered to the area and asked Stewart's cooperation in a campaign to capture both Montgomery and John Brown. Medary explained to Stewart:

that Montgomery intends to escape into Missouri if the force on this side is greater than he thinks safe to attack. Montgomery and Brown have three forts, one is very strong in the rocks. If we can get them into these forts or in any one of them, we shall have them safe. Montgomery and Brown can bring into action from one to two hundred men well armed with plenty of horses. Montgomery boasts that he can raise 500 men, but I doubt it very much. There are no infantry in the territory at the forts, and only two companies of cavalry--but plenty of cannon. These last are useless except to use against the fortifications of Montgomery and Brown. We shall have to depend, therefore, mainly upon armed citizens if Montgomery is as strong as is supposed.²¹

²⁰ Ibid., James W. Denver to Robert M. Stewart, August 18, 1858, pp. 214-215; Ibid., Robert M. Stewart to James W. Denver, August 7, 1858, p. 213.

²¹ Ibid., Samuel Medary to Robert M. Stewart, January 3, 1859, p. 259.

Governor Stewart took Medary's advice and asked the Missouri Legislature to appropriate thirty thousand dollars to call out the state militia to protect Missouri's western border from an attack from Montgomery. At about the same time, the Jefferson City Examiner reported that Montgomery and his men attacked the home of Jerry Jackson an extremely influential citizen of Bates County. During the exchange of gunfire, one shot took the nose off Jackson. Even though the responsibility for this raid should have been given to Captain Eli Snyder and his men from Osawatomie, Kansas Territory, the story created a great deal of fear for the safety of other Missouri citizens.²²

One of Medary's first actions as Governor was to send Deputy United States Marshal Samuel Walker to investigate affairs in Linn and Bourbon Counties. The Marshal reported that the counties were in chaos because of Montgomery's and Brown's activities. Fearing another raid by Montgomery, the Fort Scott residents remained armed at all times. Deputy United States Marshal Philip Colby interviewed Montgomery at Lecompton concerning Fort Scott and he informed the Marshal that "if he had any occasion to visit Fort Scott, he would lay the town in ashes and destroy the last vestage of that place."²³ Marshal Walker met Montgomery at Osage City and questioned him concerning his plans and asked, "if there could be no way devised by which he would desist from

²² The New York Times, January 8, 1859, Vol. VIII, No. 2279, p. 8; Ibid., reprinted in, January 12, 1859, Vol. VIII, No. 2282, p. 4; Ibid., January 28, 1859, Vol. VIII, No. 2296, p. 2; B. J. Anderson to J. D. Anderson, January 1, 1859, Hinton Papers, Kansas State Historical Society.

²³ Philip Colby to James Buchanan, January 8, 1859, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 385.

robbing and driving men out of the territory for opinion's sake?"²⁴

Montgomery responded that he wanted a written statement from Governor Medary:

that none of his men would be arrested for anything they had done, and that the pro-slavery men that he had run out should stay out, and that Sheriff Bull should be removed and Mr. Moore appointed in his stead, they would stop and that he would assist the officer to enforce the laws. If not he "would fight it out,"²⁵

The Marshal did not report that a meeting took place in Bourbon County similar to one earlier in Sugar Mound to restore the amnesty agreements. At this meeting Montgomery urged "united effort for peace and on honorable terms."²⁶

Upon receipt of the reports from the marshals and other concerned citizens, Governor Medary began an all out effort to bring military men and supplies into Linn and Bourbon Counties. He also forwarded all the reports he had received to President Buchanan and informed him of his plans to use United States troops.²⁷

The reports from Governor Stewart and Governor Medary alarmed the President. He called a special cabinet meeting on January 6, 1859, to consider what should be done concerning what appeared to be the making of a civil war. The Secretary of War ordered the commanding officer

²⁴ Ibid., Samuel Walker to Samuel Medary, January 3, 1859, p. 578.

²⁵ Ibid.

²⁶ Lawrence Republican, January 1, 1859.

²⁷ Samuel Medary to Officer in Charge, Tipton, Missouri and Samuel Medary to John B. Floyd, January 5, 1859, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 581.

at Fort Riley to "decline complying with any requisitions from Governor Medary for troops to suppress disturbances in Kansas Territory. If any troops have been sent out, they will be immediately recalled,"²⁸ Marshal Walker had already arrived at Lecompton from Fort Riley with two companies and had received orders from Medary to arrest anyone in southeast Kansas that caused trouble and to use any force necessary to overcome resistance.²⁹

Medary's efforts to use United State troops under his command failed to materialize when he tried to order supplies for their use. Governor Stewart's efforts to call out the Missouri militia failed because he discovered that authority to do so rested with the county sheriff, unless there was an insurrection, rebellion, invasion, or war. Observing these futile efforts, William Hutchinson suggested the solution that "if Montgomery should be approached in a friendly manner by the proper party he would give himself up for trial . . ."³⁰

In spite of the efforts on the part of the two governors to take Montgomery prisoner, he was actively working for peace. In a long letter written for the Lawrence Republican on January 15, 1859, Montgomery gave a full history of past difficulties and presented his interpretation of the present situation:

²⁸ Ibid., D. C. Buell to Commanding Officer, Fort Riley, January 7, 1859, p. 582.

²⁹ Ibid., Samuel Medary to James Buchanan, January 7, 1859, p. 582.

³⁰ The New York Times, January 22, 1859, Vol. VIII, No. 2291, p. 2; Ibid., January 8, 1859, Vol. VIII, No. 1179, p. 8.

It is known to you and to readers of newspapers generally that I have hitherto patiently born all sorts of misrepresentation and abuse through the public prints. There is now an effort being made by a certain class of journals to fasten the responsibility of my conduct upon the Republican party. Under these circumstances it becomes my duty to speak out.

We had, in this part of Kansas, from the first, a class of violent pro-slavery men, who came to the country determined to keep out all who were in favor of making Kansas a free State. It was no part of their policy to be peaceable. The plundering and driving of Free State men from the southern part of Kansas in '56 is a matter of history. A sort of truce followed the advent of Geary, during which many of the Free State men returned to their claims; but there was no real peace; outrages were frequent, and in Bourbon County, especially, Free State men were everywhere bullied and insulted. The Laws were not made for Free State men; they were made for the benefit of the Pro Slavery party. The courts were controlled by the Blue Lodges. It was impossible to convict a pro-slavery man however guilty; and next to impossible to acquit a Free State man, however innocent. Under these circumstances, revolution was clearly our right.

The beating of Mrs. Stone by preacher Southwood and family, may be considered as the commencement of a new era in the history of Southern Kansas, ending in the forcible expulsion of nearly all the violent pro-slavery men in the troubled district.

From the time of Governor Denver's visit in June, till the session of the court in October, everything was quiet, and so might have continued but for a few interested political and hungry lawyers.

The present difficulty was caused by the violation of the Denver compromise. Judge Williams, in accordance with the compromise, charged the juries of Linn and Bourbon counties to "Let by gones be by gones" and to "do as little as possible." A few indictments were got up in both counties, evidently for the purpose of asserting the right to drag us into the courts. The principle once established, they could do a fine business at another term, when the lawyers and officials would reap a harvest in the way of fees. The attempt to assassinate me was planned in Kansas-- a few Missourians being called in for the sake of appearance. Linn and Bourbon counties were both represented in the transaction. For Brown's doings in Missouri, I am not responsible. I knew, nothing of either his plans or intentions. Brown keeps his own counsels and acts on his own responsibility. I hear much said about Montgomery and company, I have no company. We have had no organization since the 5th day of July.

The release of Rice was a popular movement, in which some of our former company were concerned. But many of those who participated in that movement, acted with me for the first time.

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We desire peace, and no man will do more than I to obtain it on honorable terms. No possible good can be done by raking up the past and so the people have decided. Let the past be buried, and let the people choose their own officers, and all will go well.

Since writing the foregoing, I have seen an article in the last Herald of Freedom, written by Judge Wright of Quindaro, which demands attention. Judge Wright says: "I am informed that Capt. Montgomery asserted . . . that I was the instrument that gave him assurances that by gones would be by gones."³¹

Yes, and so you did say, assuming to speak for the Governor. The Governor said the same thing himself, in his speech at Fort Scott, in the presence of a large audience. He said it again at the Trading Post, where I heard him say it myself. He did not promise a general amnesty, he would not agree to that, as it would have shielded the murderers of Denton, Hedrick, and the actors in the Trading Post tragedy.

Judge Wright said this: "If you will lay down your rifles, and use the laws on the pro-slavery scoundrels, the Governor will reform the courts, and place them on a footing that will entitle them to your confidence. He will suspend Judge Williams if you wish, and give you a Free State sheriff and marshal. You shall have for marshal H. G. William, or Gene McDaniel, and for sheriff any man the people choose."

The promises in reference to the marshal was not redeemed. Mr. Campbell, a man in whom the people had no confidence, received the appointment. We did not consider ourselves in a "bad shape" and did not feel our need of help to get out of it. What the Judge says about defending us if indicted, or expecting clemency if convicted, is all stuff; but this he did say: "If you are indicted, it will be the Governor's business to see that the indictment comes to nothing; the officers will have orders to let the writs die in their hands." We were left to disband in our own time, and we did disband on the 5th of July, twenty days after the Governor's visit.

It was not a condition that we should return the stolen property. The Judge asked me what the "boys" would do with their horses. I replied, "The horses are all the boys have

³¹ January 15, 1858.

got to show for a year of hard service; they may keep them or sell them, as they please. When the pro-slavers bring back the horses they have taken, they can get an exchange." He said, "Tell the boys to do as they damn please with their horses, they have fairly earned them." I told the Judge I had Farley's horse (the horse of Robinson's report) and that I would exchange him for Ben. Rice's pony, then in the Fort. Farley sent out the pony and the exchange was made.

I am told the Judge has made some strange speeches against me, but as they were not reports, I shall let them pass for what they are worth.

I see the charge that I am acting under a commission from the Military Board is still insisted. Allow me to say, once for all that I never had such commission. A volunteer company of which I had command was mustered into service by Gen. Lane. I resigned my command after a few days service, and disbanded the company.³²

Three days after the publication of the letter, on January 18, Montgomery gave himself up to Judge Elmore at Lawrence. The indictment against Montgomery charged that he robbed a post office at Willow Springs. The man who predicted and perhaps arranged Montgomery's surrender, William Hutchinson was instrumental in getting men named "Sanford" and "Roberts" to post nearly five thousand dollars bail for Montgomery's release. Records do not indicate whether or not Montgomery was ever tried on the charge. His lawyer, Solon Otis Thacher, advised him in April that the District Court would meet in May at Lecompton. Thacher had tried to have the charges dropped but informed his client that the postmaster at Willow Springs could prove that Montgomery had broken into the mail. Thacher advised Montgomery to try to get the trial postponed by submitting an affidavit showing that he or his family were ill. The arrest of Montgomery and the holding of him at Lawrence for a few days awaiting trial brought a sense of

³²Lawrence Republican, January 15, 1859. The letter appeared in several newspapers including The New York Tribune, Herald of Freedom, and Freedom's Champion, January 29, 1859.

ease and quiet to Linn and Bourbon Counties. Adding to the feeling of security, John Brown had left the Territory headed north. Governor Medary wrote President Buchanan thanking him for the use of the United States troops but informed him it would not be necessary to use them now that Montgomery had given himself up and promised to urge other members of his company to do the same.³³

Hearing that Montgomery was out of circulation, Marshal Russell proceeded to West Point, Missouri and organized a posse to persuade other free state men to surrender. They arrested Sumner Corbin of Linn County, touching off another round of border troubles. In Montgomery's and Brown's absence, John Henry Kagi took command of the free state men and held a position three miles from Paris where Corbin was confined. Russell's posse chased Kagi's men to Sugar Creek ford and following a short skirmish the pro-slavery men retreated to Paris. During this engagement Pat Devlin and Eli Snyder managed to rescue Corbin from Marshal Russell. Some of the early reports of this fighting placed the blame on Montgomery, but he was in Lawrence on the day of the raid, January 19. William Hutchinson heard that John Brown led the free state men and, not knowing that Brown had left for Canada, wrote Montgomery concerning his fears. The timing was wrong. "You can well appreciate how we should all feel to find such a thing to be

³³William Hutchinson to James Montgomery, January 23, 1859, Montgomery Papers, Kansas State Historical Society; Solon Otis Thacher to James Montgomery, April 9, 1859, Montgomery Papers, Kansas State Historical Society; Lawrence Republican, January 20, 1859; Atchison Freedom's Champion, January 22, 1859; The New York Times, January 24, 1859; Samuel Medary to James Buchanan, January 21, 1859, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1889-1896), pp. 598-599.

true, at this point in the game. Not you alone," Hutchinson wrote Montgomery, "but all your friends are compromised in the degree that it may prove true."³⁴ Hutchinson's fears that the "Kagi led" raid might upset Montgomery's plans for peace were justified. Governor Medary reported the Paris troubles to James Buchanan and indicated that he had made it so difficult for the jayhawkers that John Brown had left for Canada and Montgomery had given himself up to civil authorities. He concluded his report by suggesting that "it will be a popular act to wipe them all out."³⁵

Montgomery wanted to do two things before he left Lawrence; explain his position to the people of Lawrence and speak with Governor Medary. On January 20, 1859, Montgomery gave a long speech at the Lawrence Congregational Church again detailing the history of the border troubles. At this meeting he was frequently interrupted by applause, and at the conclusion the crowd gave three cheers for him and John Brown. The Herald of Freedom, edited by Dr. George W. Brown, was more critical: "Montgomery as we suppose the public is aware, is or has been a preacher, hence he covers over his crimes with the cloak of religion While he was speaking he admitted almost every charge made against him, but offered various circumstances in

³⁴William Hutchinson to James Montgomery, January 23, 1859, Montgomery Papers, Kansas State Historical Society.

³⁵Samuel Medary to James Buchanan, January 25, 1859, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 600; Lawrence Republican, February 3, 1859; Leavenworth The Daily Times, Lawrence, January 19, 1859; Atchinson Freedom's Champion, February 5, 1859.

palliation."³⁶

While still in Lawrence, Montgomery called at the home of William Hutchinson and asked if he could possibly arrange an interview for him with the Governor. Montgomery knew that the Governor, as a federal executive, had to side with the pro-slavery party, but he felt that if he could talk with him he could convince him of the merits of the free state policy. Hutchinson agreed and called on the Governor who was staying at the Eldridge House. It was not too easy to persuade the man who had just offered a reward for Montgomery's arrest to agree to meet the man in secret. Finally the Governor consented and asked that Montgomery come to his executive chambers after eleven that evening. Hutchinson recalled that "Montgomery told his story in mild but earnest language. He was a fine talker, and his tones were pathetic and his facts convincing, even to a federal officer. They parted friends."³⁷ Montgomery returned home on January 21, where he continued to work for peace and there persuaded more of his men to give themselves up to the law. Six men returned with Montgomery to Lawrence on February 2, and surrendered to Judge Elmore. Governor Medary's attitude toward Montgomery showed a remarkable change and in his next report to President Buchanan Medary boasted that "the

³⁶ Lawrence Herald of Freedom, January 22, 1859.

³⁷ William Hutchinson, "Sketches of Kansas Pioneer Experiences," Kansas Historical Collections, Vol. VII (1901-1902), p. 400.

worst is over and peace will soon be generally restored."³⁸

Montgomery's success in convincing the Governor brought positive results in Linn County. On February 11, Governor Medary signed an Amnesty Bill, which in effect approved the earlier Sugar Mound Agreement drawn up by Montgomery and Brown. The main provisions of the Amnesty Bill were as follows:

Section 1. That no criminal offense, heretofore committed in Lykins [Miami], Linn, Bourbon, McGee, Allen, and Anderson, growing out of any political difference of opinion, shall be subject to any prosecution on any complaint or indictment, in any court whatever, in this territory.

Sec. 2. That all criminal actions now commenced growing out of political differences of opinion, shall be dismissed.³⁹

When he signed the bill the Governor added, "While this is an act of amnesty for the past, it is intended to secure the more certain punishment of crimes for the future."⁴⁰

As a further precaution, Montgomery placed a notice dated February 12, in the Lawrence Republican:

To all whom it may concern. The Legislature has granted an amnesty for all offences growing out of past difficulties in Linn and Bourbon Counties. I hope no man or company of men will be guilty of any breach of the peace, in the future. We have a code of laws of our

³⁸ Ibid., Samuel Medary to James Buchanan, February 2, 1859, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 602; Oswald Garrison Villard, John Brown, p. 387.

³⁹ Governor S. Medary Proclamation of February 11, 1859, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1889-1896), p. 604.

⁴⁰ Ibid.

own making, and they will be enforced to the utmost extent against all offenders.

Respectfully,
James Montgomery⁴¹

Peace once again was restored in Linn and Bourbon Counties. Governor Medary served as Territorial Governor until just a few weeks prior to statehood, making his appointment the longest of any Kansas Territorial Governor. The Lawrence Republican described the peace that descended on the area:

The amnesty bill has worked a miracle in Linn County. The lion and the lamb have lain down together, and all seem pleased with the prospect of peace The Jayhawkers have returned to their farms, and are once more in safety pursuing the business of the season Marshal Russell and posse arrived safely in Paris, after their visit to Lawrence. They had a pass from Cap. Montgomery, which brought them safely through the perils of the Jayhawkers. The Marshal appeared very thankful that his life had been spared, and thought Montgomery was much of a gentleman, now that peace was restored.⁴²

Peace helped turn the attention of the citizens to their farms, and, for many, to the new Republican Party. For all practical purposes, the free state movement was no longer necessary. On February 19, 1859, a mass meeting was held in Lawrence for the purpose of establishing a Republican organization and Montgomery, Wattles, Marshall, and others made speeches. The Leavenworth Daily Times spoke for the Republican Party that had taken Montgomery in its folds. A radical free state man, the editor of the Daily Times, Champion Vaughan wrote a glowing description of Montgomery at the time of the organization of

⁴¹Lawrence Republican, March 3, 1859.

⁴²Ibid. The pass given to Marshal Russell read, "If any of our boys should meet this company, they will please allow them to pass unmolested, and oblige," signed by Montgomery.

the Republican Party:

The door of the commander's house opens, and there issued the new personage in the scene of action--the gentlemanly appearing, plainly dressed man, about five foot ten inches in height, well proportioned, firmly knit, slender and lythe. Jet black hair and beard, and an eye piercing and eaglelike in its glance just the one to rule. His wonderful executive ability is evidenced in the whole man. James Montgomery is a person of wonderful power. He was born to command. No giant in form or feature, his giant will enables him to govern giants, as the father governs the child--The lifting of his finger, 500 men leap up to follow his pointing--at a word they gladly rush to danger and death. He inspires them with awe and yet with affection. No man in all his troops would dare disobey his slightest wish. Each one would lay down his life at his command. Such a man is Captain James Montgomery.⁴³

If Vaughan intended the article to launch a political career for Montgomery, the editor must have been disappointed. Montgomery's popularity revived momentarily on July 4, 1859, as the citizens of Linn County celebrated the new peace under the Amnesty Bill. All the communities of Linn County united in one big celebration near Moneka. A military band furnished the music; the usual Fourth of July orations drew loud cheers, and a free dinner inspired over eight hundred people to participate. The Moneka toastmaster, John O. Wattles proposed a toast to James Montgomery, the "model hero of modern times." Loud cheers followed as did a speech by Montgomery reviewing the struggles in Kansas for freedom. Orators agreed that there lived no one greater in Linn County "than the brave, though persecuted, James Montgomery."⁴⁴

⁴³Leavenworth Daily Times, February 16, 1859. The Republican Party of Kansas was organized at a convention in Osawatomie May 18, 1859.

⁴⁴Lawrence Republican, July 14, 1859.

The day following the July 4 celebrations the most important state-wide event of Governor Medary's administration took place. Democrats and Republicans alike met at Wyandotte, now Kansas City, where the delegates wrote the fourth constitution that had been drawn up for Kansas. In 1858, a Leavenworth Constitution had been drafted providing for a free state, and adopted by the people, May 18, 1859. It was soon forgotten, because Congress would not even consider this constitution. The new Wyandotte Constitution provided that Kansas would be a free state. Even though the Democrats did not sign the Wyandotte Constitution, the convention submitted the constitution to a vote of the people, who adopted it October 4, 1859, by a vote of 10,421 to 5,330.⁴⁵ The door had been closed to pro-slavery power in Kansas prior to the adoption of this constitution, but this election locked the door and terminated an eventful chapter in Kansas Territorial history.

The transition period from a pro-slavery majority to a free state majority in Kansas Territory revealed further the inherent weaknesses of popular sovereignty. The once tough confidence of Missouri pro-slavery partisans turned to fear, encouraging radical free state activists and unscrupulous border criminals to step up their activities on the Missouri side of the border. James Montgomery's confidence increased as the pro-slavery appointed officials made greater efforts

⁴⁵Daniel Webster Wilder, The Annals of Kansas, pp. 254, 259, 280; The Herald of Freedom denounced the Constitution, September 24, 1859; For the Democratic views see the Lecompton Democrat, October 8, 1859, Lecompton Kansas National Democrat, September 22, 1859, the Atchison Union, September 3, 1859, Atchison Freedom's Champion, October 29, 1859.

to conciliate the differences between the two warring factions. In direct response to these efforts, Montgomery's willingness to cooperate brought a semblance of peace to "Bleeding Kansas." But, the deliberate action on the part of John Brown to liberate slaves from Missouri foreshadowed increasing agitation of an already festering sore. Kansans, delivered from the institution of slavery, took the next logical step and, in the pre-Civil War months, the conflict along the border began to focus more clearly on the slave himself rather than on the institution.

CHAPTER V

PRE-CIVIL WAR ACTIVITIES

One incident, the "Pickles" affair, threatened the peace of southeastern Kansas during the summer of 1859. On August 6, the Sheriff of Vernon County, Missouri arrested William Wright, alias Pickles, on a charge of robbery and murder. The arrest took place near Fail's store located on the Kansas-Missouri border. Montgomery believed that Pickles had been led into a trap and "taken without due process of law from the territory."¹ After a citizens' meeting at Barnsville, Montgomery wrote a letter to Captain Fail requesting an explanation for the armed force gathered near his store and demanding the release of Wright.²

This action resulted in a meeting at Fail's store between the two groups. The Missourians contended that their actions were legal and that it was impossible to return Wright because he was awaiting trial at Freemont, Missouri. Montgomery denied the legality and tried to impress upon the Missourians that the citizens of Kansas were "jealous

¹The New York Times, August 31, 1859, Vol. VIII, No. 2479, p. 8, reprinted from the Lawrence Herald of Freedom, August 26, 1859.

²William H. Doak to Robert M. Stewart, August 16, 1859, Jonas Viles (ed.), "Documents Illustrating the Trouble on the Border," Missouri Historical Review, Vol. I, No. 1 (October 1906), pp. 303-304; Ibid., James Montgomery to Captain Fail, August 13, 1859, p. 305.

of their rights and would maintain them at all hazards." Montgomery urged them to consider their action "calmly and dispassionately" and informed them that he did not intend to "intimidate them but appeal to their sense of right and justice."³ The Missouri delegation could not agree on an answer for Montgomery and requested a week to reply.

Judge Williams informed Montgomery that legal council had been secured for Wright and that the lawyer believed Wright was "innocent of the charges made against him."⁴ Williams encouraged Montgomery and his followers to pay the lawyer's expenses and let him handle the case. "This is the legal way and the best,"⁵ the Judge concluded. The legal way prevailed. Montgomery decided that unless new arrests were made by the Missourians there would be no appeal to arms.⁶

The "Pickles" incident was handled through the courts and there were no further disruptions of the peace. During October and November, 1859, Montgomery campaigned in the nineteenth district for election to the House of Representatives of the Territorial Legislature. His opponent was William R. Wagstaff. Due to an increase in population, a new apportionment act regulated the election of November 8, 1859. Lykin County, later renamed Miami, and Linn County each had one repre-

³The New York Times, August 31, 1859, Vol. VIII, No. 2479, p. 8, reprinted from the Lawrence Herald of Freedom, August 26, 1859.

⁴John Williams to Chubbick, August 15, 1859, Montgomery Papers, Kansas State Historical Society.

⁵Ibid.

⁶Lawrence Herald of Freedom, September 10, 1859.

representative and the two counties together elected one representative. Montgomery was assured of being the representative from Linn County but, due to pressure from Osawatomie, he decided that his position in the House would be more important if he represented two counties instead of one.

Wagstaff discovered that there were free state people in the northern part of Linn County who did not like the "Mound City crowd," and pro-slavery people in Paris and Paola would vote against Montgomery. Montgomery's confidence blinded him to the opposition and it was not until two weeks before the election that he began to actively campaign for fear that Wagstaff might defeat him. Montgomery challenged Wagstaff to a public debate at the Miami Mission.

All might have gone well except for the fact that Charles R. Jennison and Pat Devlin, radical free state men, were present. These men in the past had caused Montgomery trouble by their rash actions. Jennison and Devlin circulated among the crowd and let it be known that Montgomery's tactics would be to "bulldoze" his opponent. Both Montgomery and Wagstaff had about an equal number of supporters present at the debate. Wagstaff's support came from Paola, and Montgomery's from around Mound City and Osawatomie.

Wagstaff opened the debate. His delivery was slow and deliberate. Montgomery thought that he was striving not to alienate the crowd by his carefully picked words. Montgomery suddenly interrupted Wagstaff and denied some of his statements. Immediately, Wagstaff changed his style of delivery and in loud, derogatory terms denounced Montgomery. Jennison and Devlin jumped to their feet and started toward the plat-

form to seize Wagstaff. Before they could get started, the "Mobley boys" drew their revolvers and took aim at Jennison and Devlin, who immediately retreated. Wagstaff continued his speech. By this time Montgomery realized that he had hurt his chances by interrupting Wagstaff. He made his speech without attacking Wagstaff or replying to his charges. Montgomery maintained that Wagstaff could not have known anything about the free state cause, because he had not fought in the recent struggle.⁷

When the votes were counted, Wagstaff received 847 votes to Montgomery's 838 votes. Some felt that Montgomery should contest the election because of known frauds in the East and Osage polls in Lykin County. Montgomery refused and explained "that contesting an election is rather ticklish business, so much so that a prudent man would like to 'look before he leaps.'" Admitting that he had "neither the time nor the means to spare in a contest,"⁸ Montgomery promised to attend the sessions of the legislature and lobby for a change in county lines.⁹

It was not like Montgomery to be unconcerned about voting frauds unless something more important occupied his attention. Less than a week before the election, John Brown had been taken from the jail to

⁷ Benjamin Franklin Simpson, Paola The Western Spirit, February 9, 1900, in Miami County Clippings, Vol. II (1874-1940), pp. 36-39, Kansas State Historical Society.

⁸ James Montgomery to Leander Martin, December 18, 1859, Montgomery Papers, Kansas State Historical Society.

⁹ Daniel Webster Wilder, The Annals of Kansas, p. 284; Charles E. Griffith to James Montgomery, November 15, 1859, and Leander Martin to James Montgomery, December 13, 1859, Montgomery Papers, Kansas State Historical Society.

the courthouse at Charleston, Virginia and sentenced to be hung on December 2. Records do not indicate that Montgomery knew of Brown's plans to attack Harper's Ferry, but his close association with Brown, Kagi, and other members of the raiding party, would make it likely he understood Brown's intentions. There was some activity in Kansas to attempt a rescue of Brown. George L. Stearns of Medford, near Boston, encouraged Charles Jennison and James Stewart to attempt a rescue by offering them authority to draw funds on him for the venture. There may have been some preparations made by Montgomery and others, but no action was taken to attempt a rescue of Brown. The reason could have been Brown's constant refusal to be rescued. Orlin E. Morse made a valiant effort to prove that Brown was the object of a rescue attempt by men from Linn County, but statements by Richard J. Hinton and the similarity of events that took place later during the rescue attempt of two of John Brown's men tend to indicate a confusion of dates.¹⁰

Although Montgomery did not take part in the attempted rescue of John Brown in November, he did take an active part in an attempt to rescue Aaron D. Stevens, a former Montgomery man, and Brown's lieutenant at Harper's Ferry, and Albert Hazlett, the last of Brown's band. The failure to save John Brown only served to increase the determination of Richard J. Hinton, Thomas Wentworth Higginson, and John W. LeBarnes to rescue the other members of Brown's company being

¹⁰ Oswald Garrison Villard, John Brown, pp. 513-514; Orlin E. Morse, "An Attempted Rescue of John Brown from Charleston, Va., Jail," Kansas Historical Collections, Vol. VIII (1903-1904), pp. 213-226.

held in prison at Charlestown, Virginia.¹¹

The journalist, Richard J. Hinton, knew Montgomery and visited in his home on the night an attack by border ruffians took place. John Brown had invited Hinton to participate in the Harper's Ferry raid but other business kept Hinton from being directly involved. Albert Hazlett, one of the prisoners at Charlestown, went by the name of William H. Harrison which was the nom de guerre of Richard J. Hinton. At the time of the Harper's Ferry raid, Hinton left Kansas and went east to the safety of Boston where he helped James Redpath complete a book about the life of John Brown.¹²

Reverend Thomas Wentworth Higginson, from Boston, met Montgomery when Higginson and James Redpath helped escort 135 emigrants through Iowa to Topeka, Kansas Territory in September 1856. Higginson also met Aaron D. Stevens, the other prisoner at Charlestown, who was a member of an escort for the emigrant party provided by James H. Lane. After Higginson returned east, he kept an active correspondence with Montgomery, Brown, and Hinton, and became a member of the "secret six" who provided money, weapons, and other supplies that Brown used during the Harper's Ferry raid. At the time of Brown's capture, all the members of the "secret six" except Higginson, either left the country or took refuge in a mental institution. It appears that Higginson

¹¹Oswald Garrison Villard, John Brown, p. 570.

¹²Richard J. Hinton, John Brown and His Men: With Some Account of the Roads they Traveled to Reach Harper's Ferry (New York: Funk and Wagnolls, 1894), p. 210; Richard J. Hinton, "Pens That Made Kansas Free," Kansas Historical Collections, Vol. VI (1897-1900), p. 381.

needed to clear his conscience for not actually participating in the raid with Brown, so he made a great effort to rescue some of the men.¹³

Under Higginson's prodding, Hinton had tried to reach Montgomery in Kansas by telegram prior to December 13, 1859, and not receiving a response he urged Higginson to proceed with the plans without Montgomery. Higginson asked Hinton to make one last effort to contact Montgomery:

I wish to leave nothing undone to find Montgomery, Soley [Silas S. Soule], whom you know is going from here to Kansas soon, and is to find him and explain my plans. But if he is at the South or East now we ought to find him. If you think another dispatch to Kansas would do any good, please send it, or do anything else for that purpose, and I will pay for it. The trial of Stevens may come sooner than we expected. I agree with you that something must be done without M., if necessary--but he would be half the battle;¹⁴

At Higginson's expense, Hinton started for Kansas Territory January 11, 1860 to personally persuade Montgomery to lead the expedition. Hinton arrived about February 1, just in time to keep Montgomery from mailing a letter to Higginson declining the hazardous duty. Montgomery was reluctant because he believed that his services were needed "nearer home." Montgomery further explained to Higginson that "one of our citizens has been shot down, and another carried off by a mob from

¹³Franklin B. Sanborn, "Kansas in 1856," Kansas Historical Collections, Vol. XIII (1913-1914), p. 249; Thomas Wentworth Higginson, Cheerful Yesterdays (Boston: Houghton, Mifflin and Company, 1898), pp. 215-229.

¹⁴Thomas Wentworth Higginson to Richard J. Hinton, December 22, 1859, Higginson Papers, Kansas State Historical Society.

Missouri."¹⁵ A letter from A. H. T. to his parents illustrates the dependence of the citizens on Montgomery at this time:

The proslavery's hung him for an alleged crime of horse stealing. They arrested him without authority or shadow of law and never gave him even a mock trial, as has generally been the case. The country is again in commotion. I know not what will be the result, the probability is that unless Montgomery takes the field again it will soon blow over and give them a chance to hang the next ones that gets in their way.¹⁶

Montgomery concluded his explanation to Higginson by offering to send someone else in his place and signed the letter "Henry Martin,"¹⁷

Traveling under the name Read, Hinton met Montgomery at Moneka, Kansas where he showed his friend topographical maps, plans of the jail, sketches of the railroads and highways, and the location of stations on the underground railroad in and around Charlestown, Virginia. Hinton convinced Montgomery that he should lead the rescue operation and returned to work on further plans in the East. Montgomery remained to recruit a select group of men to go with him. Joseph Gardner, Silas S. Soule, Joshua A. Pike, and S. J. Willis from Linn County were selected by Montgomery because they had successfully delivered Dr. John Doy from the St. Joseph, Missouri jail. Also selected were some of Brown's closest friends, Augustus Wattles, Henry

¹⁵ Henry Martin [James Montgomery] to Reverend Theodore Brown [Thomas Wentworth Higginson], February 1, 1860, Higginson Papers, Kansas State Historical Society.

¹⁶ A. H. T. to Parents, February 12, 1860, Genevieve Yost, "History of Lynchings in Kansas," Kansas Historical Collections, Vol. XIX (1933), pp. 186-187.

¹⁷ James Hanway, "Reminiscences of James Hanway," Topeka Commonwealth, January 31, 1878 and attached Hinton letter, April 29, 1894, Hinton Papers, Kansas State Historical Society; John W. LeBarnes to Thomas Wentworth Higginson, January 11, 1860, and Richard J. Hinton to Thomas Wentworth Higginson, December 13, 1859, Higginson Papers, Kansas State Historical Society.

C. Seaman, and Henry Carpenter from Linn County; Benjamin Rice from Bourbon County, the object of an earlier rescue; and Benjamin Seaman, brother of Henry, from Iowa.¹⁸

In the East, Higginson sent John W. LeBarns to New York to recruit a group of German revolutionists who had earlier expressed a willingness to rescue John Brown. To be sure of their loyalty to the cause, Hinton contacted each one personally and supplied them with rifles and revolvers. Hinton also gathered extra arms, rockets, and ammunition that would be needed for the raid. In Kansas, Montgomery telegraphed Higginson from Leavenworth, "I have got eight machines. Leave St. Joseph Thirteenth."¹⁹ Montgomery signed "Henry Martin." In the correspondence related to this rescue the word, "machines" meant men, and "master machinist" referred to Montgomery. Because money for their expenses had not reached Leavenworth, Montgomery contacted Daniel R. Anthony of that city and informed him of his plans and monetary needs. Another later recalled that Montgomery "wanted help from me, and I advanced him \$150."²⁰ The men involved in the St. Joseph rescue of Doy did not go with Montgomery to St. Joseph but took a different route and rejoined the party at Pittsburg, Pennsylvania. Montgomery's party traveled to Elwood, Kansas, crossed the Missouri

¹⁸ Richard J. Hinton, John Brown and His Men, p. 520; Oswald Garrison Villard, John Brown, pp. 575-576.

¹⁹ Henry Martin [James Montgomery] to Reverend Theodore Brown [Thomas Wentworth Higginson], February 10, 1860, Higginson Papers, Kansas State Historical Society.

²⁰ Orlin E. Morse, "An Attempted Rescue of John Brown from Charleston, Va., Jail," Kansas Historical Collections, Vol. VIII (1903-1904), p. 222.

River to St. Joseph by rowboat at night and were provided passes on the Hannibal and St. Joseph Railroad to Pittsburg. Hinton met the men as they arrived at Pittsburg and wired Higginson of "eight machines awaiting transfer."²¹ Two days later they arrived at Harrisburg, Pennsylvania where Higginson met them.²²

To keep LeBarnes informed, Higginson telegraphed:

Eight machines arrived including . . . our friend and his master machinist, who turns out to be the very man of all the world. Read [Hinton] could not have done better, both as to the whole and the parts. The machinist is strong in hope, and he is a man to inspire infinite hope in others. Nothing stops him but the snow, which now lies-- that is a hopeless obstacle to the successful working of the machines, but a few days will probably take it away-- and he does not consider the season such an obstacle as T. [Tidd] did, and believes it can be done the machinist says that a thorough examination of the ground is essential, cost what it may.²³

In their Harrisburg headquarters in the home of Dr. William W. Rutherford, an abolitionist, Montgomery and Higginson worked out the problems they would have to surmount. Higginson carefully noted the following points:

1. Traverse a mountainous country miles at 10 miles a night, carrying arms ammunition & provisions for a week--with certain necessity of turning round and re-treating the instant of discovery, & of such discovery causing death to our friends: and this in a country daily traversed by hunters. Also the certainty of

²¹Ibid., p. 217.

²²Thomas Wentworth Higginson to John W. LeBarnes, February 15, 16, 25, February 1860, Higginson Papers, Kansas State Historical Society.

²³Charles P. Carter [Thomas Wentworth Higginson] to John W. LeBarnes, February 17, 1860, Higginson Papers, Kansas State Historical Society.

retreat or detection in case of a tracking snow wh.[ich] may come any time. Being out 5 nights at mildest, possibly 10. Includ'g crossing Potomac, a rapid stream where there may be no ford or boats.

2. Charge on a build'g defended by 2 sentinels outside & 25 men inside a wall 14 ft. high. Several men inside prison besides, & a determined jailer. Certainty of rousing town & impossibility of having more than 15 men.

3. Retreat with prisoners & wounded probably after daylight--& no. 1. repeated.²⁴

Montgomery believed the problems were surmountable, but on February 19, a snow storm delayed his exploration of the area. Fearing too long of a delay, Montgomery and Soule departed for the Charlestown area. As Montgomery explored the countryside, Soule deliberately got himself arrested for drunkenness and was fortunate enough to be thrown in jail where he could get a message to Stevens and Hazlett. He told them the plans for the rescue, but they were persuaded that it was impossible and did not desire liberty at the cost of so many of their friends' lives. Before Soule was released, Hazlett wrote a personal farewell message for Hinton.²⁵

Montgomery and Soule made their way back to Harrisburg, where they were to rendezvous and report. Meeting at Drover's Tavern, several members of the rescue party made their disappointing reports to Higginson. The Pennsylvania-Dutch man, Joseph Gardner had been given the task of locating underground railroad stations among the Quakers. Gardner

²⁴Undated note, Higginson Papers, Kansas State Historical Society.

²⁵Charles P. Carter [Thomas Wentworth Higginson] to John W. LeBarnes, February 18, 1860, Higginson Papers, Kansas State Historical Society; Thomas Wentworth Higginson, Cheerful Yesterdays, pp. 233-234.

reported that at one point a Quaker threatened to expose the rescue plot and generally he had little success. Soule told the group about Hazlett's and Stevens' desires in the matter. Traveling in the open and putting his Southern accent to good use, Montgomery discovered that the guards were much heavier than they had anticipated and many more had been put on the alert because of a rumor of an attempted rescue plot. However, the deciding factor was the weather. Another snowstorm convinced Montgomery that their mission was impossible.²⁶

Higginson was disappointed. He later recalled, "I was not . . . satisfied with this opinion, but it was impossible to overrule our leader."²⁷ With great reluctance, the fighting men of Kansas who were willing to give their lives returned to their homes, leaving Stevens and Hazlett to their fate.

Montgomery returned home to Linn County. It was not long after that the Republicans chose Montgomery as a delegate to the Republican Convention held at Lawrence on April 11, 1860. The main purpose of the Convention was to select delegates to the Chicago National Convention and Presidential Electors.²⁸

While in Lawrence, Montgomery wrote the first of many letters to George L. Stearns. He had not met Stearns, but had heard of him most recently through Joseph Gardner who, during the recent Charlestown rescue operations, visited in Boston with George Stearns, Samuel G.

²⁶Oswald Garrison Villard, John Brown, pp. 578-579.

²⁷Thomas Wentworth Higginson, Cheerful Yesterdays, p. 234.

²⁸A. T. Andreas, History of the State of Kansas, p. 302.

Howe, and Franklin B. Sanborn, all members of the "secret six." Montgomery informed Stearns that he wrote Dr. Samuel Cabot "concerning a lot of Sharp's rifles."²⁹ A director of the Emigrant Aid Company, Cabot was responsible for getting Sharp's rifles into Kansas. He had earlier provided John Brown with two hundred Sharp's rifles which he stored in Tabor, Iowa "until they might be needed."³⁰ Stearns, a wealthy industrialist and chairman of the Massachusetts Kansas Committee, personally contributed heavily to the Kansas free state cause. Montgomery needed arms to prepare for "stirring times ahead,"³¹ and he had used Stearns, Higginson, and Sanborn for references when writing to Cabot.

The Sharp's rifles were purchased in 1856 by Samuel Clarke Pomeroy, purchasing agent for the Emigrant Aid Company in Kansas. The rifles and four breach loading cannon were sent to Kansas with David Starr Hoyt. After boarding the river boat Arabia in St. Louis with his cargo, Hoyt wrote a letter to his mother telling her about his mission. The captain of the ship secured the letter and read it to the passengers. Most of the passengers were Missourians and they immediately took possession of the arms and Hoyt. At Lexington, Missouri, the guns were removed and Hoyt returned to St. Louis.

²⁹James Montgomery to George L. Stearns, April 14, 1860, Stearns Papers, Kansas State Historical Society.

³⁰Franklin B. Sanborn, "The Kansas Territorial Election of October, 1857," Kansas Historical Collections, Vol. XIII (1913-1914), p. 254.

³¹James Montgomery to George L. Stearns, April 14, 1860, Stearns Papers, Kansas State Historical Society.

Without breech-blocks the guns were of no value to the Missourians. The missing breech-blocks had been sent by a different route by Dr. Calvin Cutter. Hoyt sued the Arabia owners and collected the full value of the arms. Dr. Samuel Cabot wanted the property but hated to bring suit as a member of the Emigrant Aid Company. After a long suit by a law firm in St. Louis, the company finally recovered its property. In 1859, the rifles were sent to Kansas where they were stored until Montgomery took charge of them in 1861.³²

Shortly after Montgomery's return from the Stevens-Hazlett rescue attempt, Deputy United States Marshal Leonard Arms attempted to arrest Montgomery on some of the old charges that had been resolved by the Medary agreements. Montgomery was working in his field, unarmed, when the Marshal arrived. Marshal Arms walked to the house with Montgomery where the jayhawker took down his revolver and asked Arms if the writs were based on incidents that occurred before the Amnesty Act was passed. Arms said that they were. Montgomery replied, "Then I shall resist them."³³ Fearing for his life, Arms did as he was told and returned the writs marked "resisted," and never came back to Linn County. Marshal Arms went to the Topeka, Kansas area and began serving writs on various people, including one John Richey, for offenses prior

³²W. H. Isely, "Sharp's Rifle Episode in Kansas," American Historical Review, Vol. XII (April, 1907), pp. 558-560. The shipment included 100 carbines, 29 Sharp's primers, 20 bullet moulds, 10 boxes, and was purchased at a cost of \$2,773.12.

³³The New York Times, May 2, 1860, Vol. IX, No. 2688, p. 2.

to the Amnesty Act.³⁴

A few days before Montgomery wrote his "stirring times" letter, Arms tried to arrest John Richey who resisted. The Marshal insisted that Richey would go with him dead or alive and started to draw his gun. Richey drew more quickly than Arms and killed him. George Stearns did not know the outcome of the Arms affair until he visited Kansas Territory in May, 1860. Fearful that Montgomery was correct about "stirring times ahead," Stearns was pleased to write his wife from Kansas Territory, "all is quiet here and I do not think there will be any trouble in this territory this year."³⁵ Stearns was too optimistic.

While Montgomery was eager to expand his acquaintances in the East, members of the "secret six" sought more information about the Kansas jayhawker. Dr. Samuel Howe asked one of his agents in the Territory how Montgomery compared with John Brown. The reply contained one of the most incisive descriptions of Montgomery available:

I think well of him though he is very different from Brown. Montgomery lacks the Puritanical element which stamped Brown's character. In other respects he may be equal to the Old Man. In this respect he may not be his inferior, for Montgomery will never loose a battle on the hypothesis that the "Angels of the Lord are camped around about him." He will never even run the risk of it. On the contrary he will forever adhere to the wise maxim of Napoleon that "the Lord is always on the side of the heaviest battalions."

³⁴ Ibid.

³⁵ George L. Stearns to Mrs. Stearns, May 8, 1860, in Frank Preston Stearns, The Life and Public Services of George Luther Stearns (Philadelphia: J. D. Lippincott and Co., 1907), p. 225.

. . . . [Brown] had outlived the sensation of fear. From his terrible experiences and his religious enthusiasm he was probably more entirely insensible to danger than Montgomery is, but probably from this very circumstance he was less fitted for successful command. . . .

You know, we all thought when we first saw the Old Man that he was a second Cromwell come to judgment. But Montgomery has nothing whatever of this sort of thing about him. His appearance is not at all singular or suggestive. . . . Yet his countenance and manners are not without character. He is about five feet, nine inches in height, of slight figure, with bluish-gray eyes; light complexion, and dark hair. He has a thin and rather small face; a long nose slightly curving downward after the manner of the Jew. His head is not large, and he wears a heavy dark moustache, with no hair anywhere else on his face. In conversation he is a most exuberant talker, though not at all demonstrative. He never speaks unless spoken to. He is a religious man, though I think his religion a mere matter of intellectual perception. Perhaps it would be more correct to say that he is a theological man. As to his religion, he is of course religious, as is testified in his daily walk and conversation. But he is theological; likewise polemical. He disputes with zest. He was once, I believe, some sort of clergyman. He has peculiar views respecting life to come, foreordination, future rewards and punishments etc. and is crammed with scriptural authorities and arguments to sustain them in controversy. He is not orthodox by any means nor yet is he heterodox, as are Theodore Parker and most other great men. On general topics he is also very well informed, and can converse with fluency and sense. He is, of course, radically anti-slavery; belligerently anti-slavery. This is with him a matter of principle intellectually and morally considered and a matter of impulse as being in his blood and bones. . . .

On the whole I regard Montgomery as a justly safe and promising man for a military leader. I hope we may never again be compelled to appeal to arms in restricting slavery in this country, but if we should Montgomery should make his mark, if he lives in that day. He has many warm friends among all classes, and he has also many followers, who will rally to him, with arms in their hands, whenever they hear the sound of his tocsin.³⁶

Montgomery's "tocsin" occasionally brought unsavory individuals into his company. Such was the case of Charles Doy, Henry Waffle, and

³⁶ M. A. Young to Samuel Howe, April 23, 1860, Howe Papers, Massachusetts Historical Society, Boston.

his son Harvey. They joined Montgomery's band for the purpose of stealing but were soon dismissed from the free state camp. Unable to use Montgomery's free state operations as a front for their thievery, Doy and Waffle established their own organization and pretended to steal only the property of pro-slavery men. They did not discriminate and were eventually caught and executed. On July 26, 1860, a mass meeting of the citizens of Linn County met at Mound City to discuss the execution and express their feelings toward the matter. Montgomery took a conspicuous part in the proceedings and approved of the final report which concluded that Doy and Waffle "soon became known in this country as the vilest of the vile--the most desperate of hardened desperadoes, and were shunned and dreaded accordingly. They were publicly, prominently and positively recognized as the most depraved, reckless and dangerous of a numerous confederated gang of plundering banditti."³⁷

With this bit of housecleaning out of the way, Montgomery left Mound City for an extended visit in the East. Sometime during the summer, perhaps during Stearn's visit, Montgomery decided to take a trip East. The reason for this venture is not clear, but probably had several purposes. First, Kansas was suffering a devastating drought. There had been no rain since September, 1859, except for a light shower on June 16, 1860. The temperature rose to record breaking highs in July of 1860. The crops were burned, the ground was parched, and the farmers destitute. Kansas received aid of all kinds

³⁷ Topeka Tribune, August 18, 1860; Lawrence Republican, August 2, 1860.

including food, money, and clothing from the East and practically all the free states. Delegations were sent from Kansas to solicit aid for the many families that were in need. Certainly this justified Montgomery's trip, for he did later get substantial aid in the form of seeds and food for the settlers in this area.³⁸

Montgomery also knew that the battle against the advocates of the extension of slavery was not over and he was desirous of preparing for an attack from Missouri, Arkansas, or Texas. He wanted to win financial support in the East to buy arms and ammunitions.

The urge to visit old friends and relatives and see new lands also motivated Montgomery to head East. He traveled alone, for the most part, leaving home about the first of August, 1860. His first stop was in Ashtabula, Ohio, the place of his birth. He spent several days visiting his sister and two of his brothers whom he had not seen in twenty-three years.³⁹

George Stearns greeted Montgomery in Boston and introduced him to many of his friends in and near Boston. Montgomery traveled to Concord, Massachusetts where he visited with Franklin B. Sanborn. In 1856, Sanborn became secretary of the Massachusetts Free Soil Association whose major purpose was to establish and preserve Kansas as a free state. In this capacity, Sanborn had aided John Brown but had

³⁸Thaddeus Hyatt, drafts of articles prepared for the press on various dates from August 14, 1860 through February 4, 1861, in Thaddeus Hyatt Papers, Kansas State Historical Society. His articles frequently appeared in The New York Times.

³⁹James Montgomery to George L. Stearns, August 7, 1860, Stearns Papers, Kansas State Historical Society.

never met Montgomery. Sanborn later commented on Montgomery's visit to his home:

Never was I more surprised than in meeting this slender, elegant and cultivated man, a French chevalier rather than the customary Kansas Pioneer, with whose type I had become familiar in the four preceeding years. Here was a man, with a gentle voice, a modest and polite exterior, as much at home in the manners of society as if he had come from a French chateau or Scotch castle; without parade or affection; and meeting [Ralph Waldo] Emerson, to whose house I took him in the evening, on the frank and equal terms which the training of a gentleman implies. It was evidently in the lines of heredity; he knew his place, and was ready to assert it if questioned; but otherwise, like Sir Lancelot, "the meekest knight and the courtliest that ever ate in hall with ladies; but the sternest knight to his mortal foe that ever laid lance in rest."⁴⁰

There is no record of what transpired at these meetings in Massachusetts, but considering the men he met there, the conversations must have included talks about Sharp's rifles and financial assistance. His mission in Boston completed, Montgomery traveled to New York. Here he made many more profitable contacts, even though he saw only a few of those he wanted to see, and, Montgomery lamented, "what few I did see were too busy to talk much."⁴¹ He had a short interview with Horace Greeley who had provided considerable financial assistance to keep Kansas free. He also visited with Thurman Tildon, a Mr. Gay and a Mr. Ketchum. Even though Montgomery found these friends, "very warm," he told Stearns that he did "not feel very proud of . . . [his]

⁴⁰Franklin B. Sanborn, "Colonel Montgomery and His Letters," Kansas Historical Collections, Vol. XIII (1913-1914), p. 259.

⁴¹James Montgomery to George L. Stearns, August 31, 1860, Stearns Papers, Kansas State Historical Society.

visit to New York."⁴² Montgomery left New York in the early hours of August 29, by boat with a Mr. Davis for Philadelphia. New York City impressed Montgomery and he was also pleased that "the boat took the outward passage around Staten Island, which gave me what I greatly desired: A short trip on the ocean."⁴³

Montgomery's short stay in Philadelphia included a journey to Bucks County where he evidently made an economic appeal for drought stricken Kansas. Failing to find Lucretia Mott at home, Montgomery visited with several of her associates and found them "very interesting women."⁴⁴ The Eastern abolitionists and humanitarians had now met in person the Kansas jayhawker they had been reading about in the Times and the Tribune. For the most part they liked what they saw.

Montgomery returned to Linn County, September 8, 1860. He found his neighbors excited about the "butchery" taking place in Texas and Arkansas of free state men. Rumors were circulating of a plot on the part of pro-slavery men to extend the slaughter to southern Kansas. Montgomery wrote Stearns that he had "several fugitives on hand and more are expected,"⁴⁵ and that this could provoke a force from the slave states to come after their property. Montgomery explained that "when a keen, shrewd fellow comes to us, we send him back for

⁴² Ibid.

⁴³ Ibid.; William C. Nell to George Stearns, August 24, 1860, Stearns Papers, Kansas State Historical Society.

⁴⁴ Ibid., James Montgomery to George L. Stearns, August 29, 1860, Stearns Papers, Kansas State Historical Society.

⁴⁵ Ibid., October 6, 1860.

more."⁴⁶ In spite of all the activity, southeastern Kansas was quiet but it was "the calm that precedes the hurricane."⁴⁷

The enemy of the moment was the drought. Montgomery pleaded with Stearns to ask Dr. Howe to let him have some damaged clothing stored in Lawrence by the Kansas Committee. Montgomery cited a case of a family whose "crops have failed. They have nothing to sell, and their families are naked. The goods, even in their damaged condition, would be serviceable."⁴⁸ The New York Times, in a special supplement, featured on its front page an article that began: "The people in Kansas are no longer in want of 'Revolution' they are in want of pork and beans."⁴⁹ Not much better off than his neighbors, Montgomery worked as hard to help them survive the drought as he had to help them survive the attacks of the pro-slavery partisans.

While Montgomery tried to give assistance to those hard hit by the drought, Charles R. Jennison launched another drive against pro-slavery settlers and "border ruffians." On November 12, 1860, Jennison hanged Russell Hinds on the pretext that he had returned a fugitive slave to his master for the sake of twenty-five dollars reward. Montgomery did not take part in the hanging but did approve. When asked his opinion about the incident, Montgomery composed the following justification based on the Biblical scripture, "he that

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ The New York Times, September 29, 1860, Supplement to Vol. X, No. 2816, p. 1.

stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death."

Russ Hinds, hung the 12th day of November, 1860, for manstealing. He was a drunken border ruffian, worth a great deal to hang, but good for nothing else. He had caught a fugitive slave, and carried him back to Missouri for the sake of a reward. He was condemned by a jury of twelve men, the law being found in the 16th verse of Exodus XXI.⁵⁰

Montgomery believed that Hinds was a member of the band that had tried to assassinate him in 1856. He became Montgomery's prisoner shortly after that event and was released after promising to leave the Territory and never return.⁵¹

Montgomery left Mound City a day or so after the hanging of Hinds to visit the area in the northern part of Linn County where Jennison was operating and view the situation personally. He found the "boys" in Barnsville where they had returned following a raid on the home of Lester D. Moore, a pro-slavery man and "a hard character." Being convinced that Moore was responsible for the murder of two free state settlers, Hugh Carland and John R. Guthrie, Jennison's men surrounded Moore's house and killed him in the exchange of gunfire. As Moore fell to the floor, he was heard to say, "I surrender. Lord help me!" Montgomery's benediction over the slain man was, "the way of the transgressor is hard."⁵²

⁵⁰ Mound City Report, Friday, November 16, 1860; A. T. Andreas, History of the State of Kansas, p. 1106.

⁵¹ Ibid.

⁵² James Montgomery to [George L. Stearns?], November 16, 1860, quoted in a clipping in Kansas Territorial Clippings, Vol. II (1857-1860), p. 318, Kansas State Historical Society.

A few days later, Jennison led the band in the capture of a man named Sam Scott, another pro-slaver who had earlier been driven out of the Territory, but later returned. Montgomery's men tried Scott and promptly hung him. Sam Scott had been a former member of the Lecompton Legislature and, by action of a Linn County meeting which included conservative Republicans and Democrats, such as Bob Mitchell, a majority voted to expell the "border ruffians" to perpetual banishment. These facts justified the lynching in Montgomery's mind. The story of Sam Scott, Lester D. Moore, and other lesser known Kansans has been preserved in a lengthy epic by Harry Jasper Harris who lived near Osawatomie at the time of the events. He sheds a somewhat different perspective on the troubled times than the one held by Montgomery:

Sam Scott lived 13 miles south East.
 He was a Proslavery Man and Voted that ticket
 and used to own Slaves in a Southern State.

His wife was Dead and he had two single Girls
 18 and 20 years of age that kept house for him.
 They were Fine looking Girls.

When the Jayhawkers Stole Fathers Oxen;
 Father applied to Sam Scott to get the lone of a Pair
 of Oxen, (that was our introduction.)

Sam Scott was a Good Man; He loaned us a Yoke
 of Oxen two months and would take no pay;
 We exchanged visits; and we could always count
 on Real True Southern Hospitality and welcome
 at Sam Scotts.

One Day some armed Men Rode up to Sam Scotts
 House and said they wanted him to go with them
 He hesitated; but one of the Men says Sam
 we wont hurt you. And so he went.

They took him about 200 yards from the House
 Plain in sight and Hung him to a tree.
 The Girls was watching and when they see
 what they were doing, they ran--one with
 an Ax; and the other with a Butcher knife--

to cut him down; before they could cut him down he--
was Dead.

My two sisters and I with our oxen and wagon went
over to Sam Scotts after some Peaches a short
time after he was Hung. They had told us to come, at
about that time. When telling us about the Death of
their Father, the Girls would weep so they could
scarcely talk.⁵³

The jayhawker believed that the execution of John Brown encouraged
the pro-slavery elements to return to the Territory and revive their
secret "Blue Lodges." Montgomery discovered "incontestable evidence"
that the secret lodges had a plan to systematically exterminate the
anti-slavery forces in Linn County.⁵⁴

The rash acts of Montgomery and Jennison frightened Judge
Williams at Fort Scott. Rather than hold an extra session of the
United States Court, he fled from the town with other officials. The
Judge believed, and many accepted his views, that Montgomery's objec-
tive was to murder the officers of the court at Fort Scott in order to
prevent the trial of some of his men. It was also believed that he
intended to hold Fort Scott to prevent the scheduled land sales from
taking place on December 3, 1860.⁵⁵

The excitement over the lynchings spread rapidly into Missouri.
The press reported numerous exaggerated rumors about Montgomery. He
had reportedly invaded Vernon and Bates counties in Missouri and

⁵³ Harry Jasper Harris, "My Story," Kansas Historical Collections,
Vol. XV (1919-1922), pp. 565-566.

⁵⁴ James Montgomery to George L. Stearns, November 20, 1860, Stearns
Papers, Kansas State Historical Society.

⁵⁵ Kansas Territorial Clippings, Vol. II (1857-1860), p. 324,
article dated Leavenworth, November 26, 1860.

committed mass murders. Missourians hastily organized companies of minute men, armed themselves, and headed for the Kansas border to confront Montgomery.⁵⁶

Having received word from several sources that Montgomery had taken Fort Scott, Missouri Governor Stewart ordered Brigadier General D. M. Frost to organize an expedition to southeast Missouri. Equipped for a month's campaign, eight companies left St. Louis on the Pacific Railroad on November 25, 1860. At the same time, Stewart ordered Brigadier General William H. Parsons with his troops to Papinsville, Missouri, in Bates County. When Parsons arrived at Papinsville, he informed Governor Stewart of all the rumors he had heard about Montgomery and warned the Governor that the Kansas jayhawker could raise ten to twenty thousand men to invade Missouri. "Of course," Parsons speculated, "he [Montgomery] cannot get them from the territory but from the East."⁵⁷

Failing to discover Montgomery at Fort Scott on December 5, General Frost moved his men as close to Montgomery's fort as he could and still remain in Missouri. After three days of waiting within twelve miles of Fort Montgomery, Frost concluded that the threat was either non-existent or had diminished sufficiently to allow his troops

⁵⁶ Jonas Viles (ed.), "Documents Illustrating the Troubles on the Border," Missouri Historical Review, Vol. II, No. 1 (October 1907), p. 1.

⁵⁷ Ibid., D. M. Frost to R. M. Steward, November 28, 1860, William H. Parsons to R. M. Steward, December 2, 1860, pp. 64, 65, 67; Kansas Territorial Clippings, Vol. II (1857-1860), articles dated Warsaw, Missouri November 22, and 24, 1860, St. Louis, November 24 and 25, 1860; Harper's Weekly, "Departure of the St. Louis Brigade for Kansas," December 15, 1860, Vol. IV, p. 790.

to return home. Frost informed Governor Stewart that:

Montgomery and his band of marauders have sought safety by disbanding and scattering over the country, in consequence of which I shall be unable to meet and punish them as they deserve. Having now no organized enemy in the state before us, I deem it unnecessary to detain my whole command on the frontier.⁵⁸

While Governor Stewart was taking action to prevent Montgomery from launching an attack into Missouri, acting Kansas Governor George Monroe Beebe inspected the troubled area. He discovered that Montgomery's efforts were directed toward protecting the fugitive slaves that were coming out of Missouri, Arkansas, and "Cherokee country." Montgomery was convinced that it was impossible for United States troops to enforce the Fugitive Slave law in Kansas Territory. To carry out his program, Montgomery had taken the precaution to enlarge his fort in order to protect his charges in the event of an armed attack. Financial support for these activities were channeled through Dr. Thomas Hopkins Webb of Boston who served as the secretary for the New England Emigrant Aid Company. Money from the East had been used by Montgomery to assist the destitute farmers in southeast Kansas. Uncertain as to whether Dr. Webb intended for the funds to be spent on the fugitive slaves, Montgomery requested a clarification. Dr. Webb replied:

Where distress exists I do not stop to inquire into the person's religious creed or political faith, or to inspect his complexion; . . . whatever his color, white

⁵⁸D. M. Frost to R. M. Stewart, December 5 and 8, 1860, Jonas Viles (ed.), "Documents Illustrating the Troubles on the Border," Missouri Historical Review, Vol. II, No. 1 (October 1907), pp. 69, 71.

"black" or red, whatever his status, bond or free, neither he nor his family must for the want of a little aid be left to starve or freeze.⁵⁹

Beebe informed President Buchanan that Montgomery's men were well provisioned and armed but that the "law abiding citizens are . . . but scantily furnished with provisions . . . and entirely destitute of arms."⁶⁰

Governor Beebe was not surprised that he found Montgomery and his men well prepared. The Acting Governor had already requested of General William Selby Harney, commanding the Department of the West at St. Louis, three hundred United States Dragoons and the troops stationed at Fort Leavenworth to be subject to orders of the territorial governor. Beebe was not prepared, however, to deal forcefully with Montgomery when he met him face to face. Montgomery was preparing to deal with a pro-slavery prisoner when the acting Governor arrived at the jayhawker's cabin. After a conference in which Montgomery agreed to "withdraw and cease all further acts of an unlawful character,"⁶¹ Beebe was able to secure the release of the prisoner. Montgomery informed the Acting Governor that neither he nor any of his men had intentions of disturbing the court at Fort Scott, even though he was convinced that the deputy United States Marshal had "stacked" the jury

⁵⁹ Thomas H. Webb to James Montgomery, December 21, 1860, Montgomery Papers, Kansas State Historical Society; James Montgomery to George L. Stearns, December 12, 1860, Stearns Papers, Kansas State Historical Society.

⁶⁰ George M. Beebe to James Buchanan, November 26, 1860, "Governor Medary's Administration," Kansas Historical Collections, Vol. V (1895-1896), pp. 631-632.

⁶¹ Ibid.

against some of his men. Beebe also received Montgomery's guarantee that he and his men would surrender themselves to anyone holding an official warrant for their arrest. In return, Beebe agreed that he would do all in his power to protect the settlers' rights and promised to do what he could to reform abuses in the federal court. After receiving and giving assurances, Beebe returned to his office at Lecompton.⁶²

It was not likely that Montgomery had any definite plans to disrupt the court at Fort Scott to aid his associates who were being held for trial or to stop the scheduled land sales. It is evident, however, that no such action took place and that Judge William's flight from Fort Scott was not warranted. The land sales scheduled for December 3, 1860, were conducted without incident. The squatters had feared that they might be removed from an eight mile strip of New York Indian lands if it sold to speculators. The destitute condition of the settlers in the winter of 1860 made it absolutely impossible for them to pay for the land at that time. Under these conditions, Judge Williams believed that Montgomery would force a halt to the sales by taking Fort Scott. Two hundred of General Harney's troops from Fort Leavenworth arrived to supervise the sale. Their presence was not needed as previous experience had taught the squatters how to solve their problem. As in the past, there were no bids on the land except those already agreed upon by the settlers. The very presence of the squatters at the sale prevented the speculators from bidding and two

⁶²Ibid.; James Montgomery to George L. Stearns, November 27, 1860, Stearns Papers, Kansas State Historical Society.

weeks of possible sales were disposed of in one day.⁶³

Governor Medary returned to his office and, not being under any obligations to the jayhawkers, instructed General Harney to arrest Montgomery. General Harney remained at Fort Scott and dispatched Captain Nathaniel Lyon to make the arrest. When Lyon arrived at Mound City, December 5, he met William Hutchinson who knew that the captain was sympathetic with the free state position. Together they rode to Montgomery's cabin, discussed the situation, and made plans for the next day. In accordance with these plans, Montgomery left for Osawatomie to be with a friend. The next day, Captain Lyon, with his troops, plus others led by General Harney, approached Fort Montgomery. After an attack on the fort, it was discovered that Montgomery was not at home. They were also disappointed in the fortifications, for rumor had made it a formidable position. After a search of the surrounding area, the troops were ordered to return to Fort Scott.⁶⁴

The attempt to capture Montgomery became the focal point of a poem written by William Hutchinson a few days after the event.

In Linn and Bourbon, down below,
All breathless came the Kansas foe,
With martial glory all aglow,
And Williams running rapidly.

Medary saw another sight--
Five thousand men all armed for fight,
With hearts defiant in the right,
Led on by brave Montgomery.

⁶³ Kansas Territorial Clippings, Vol. II (1857-1860), pp. 309, 323-325, Kansas State Historical Society; The New York Times, November 22, 1860, Vol. X, No. 2862, p. 5, and December 22, 1860, Special Edition to Vol. X, No. 2888.

⁶⁴ William Hutchinson, "Sketches of Kansas Pioneer Experiences," Kansas Historical Collections, Vol. VII (1901-1902), pp. 403-404.

The troops by Harney fast arrayed
 Were frantic for their bloody trade,
 And furious; every marshal bade
 Them join the royal infamy.

Then shook the camp, with curses riven;
 The Riley boys, to battle driven,
 Were louder in their oaths to heaven
 Than Williams acting comedy.

But fiercer yet the strife shall glow;
 Missouri adds the seventh woe
 By sending Frost to chill their foe,
 While Williams fiddles merrily.

"Tis night; but scarce the dial run
 Ere Campbell cried: "The War's begun!
 Mount! mount, dragoon! Ere morrow's sun
 We'll slay the red Montgomery."

The contest deepens. Lo the braves
 Rush early to the verge of graves.
 Wave, Colby; all thy warrants wave,
 And charge each empty domicile.

Few--none--are caught where many meet:
 Disgrace shall be their winding-sheet;
 And every boy that walks the street
 Will hoot this federal fiddle-dee.⁶⁵

Acting Governor Beebe, who remained in that position until Kansas became a state in January 1861, informed President Buchanan that Montgomery had not been punished but that forceful action had "intimidated" the jayhawker. Beebe assured the President that "all is quiet," in Kansas Territory and "now the people are safe." Montgomery was not so sure. Claiborne F. Jackson, the new governor of Missouri, hoped to lead his state safely into the arms of the Confederacy. Montgomery alerted his friend, Stearns, that "if she goes out, she will soon be a free state. She will certainly attack us, here, and we will as

⁶⁵ Ibid., p. 404.

certainly fight her. This will make warm work for a time, but a short war is preferable to a continuance of the present state of affairs."⁶⁶

The civil war, that many had feared the Kansas-Missouri border troubles were leading to, became a real possibility for the nation when Lincoln's election placed the capstone on a divisive decade. Missouri's threat of secession meant only one thing to James Montgomery, a continuation of a war rather than the beginning of one. Urging him on, more eager than ever to pursue their goal, the Eastern abolitionists found a refined replacement for John Brown and relied heavily on Montgomery's advice and placed great confidence in his leadership. Backed with money, arms, and heroic editorials from the East, the jayhawkers continued to take advantage of their superior position in Kansas Territory, and there followed a series of personal vendettas. The disputes over land claims in the Territory and increased agitation over runaway slaves on both sides of the border brought armed military forces from both Missouri and Kansas Territory face to face. No other area of the United States could have been better prepared for a civil war, as conditions created by popular sovereignty readied jayhawkers and border ruffians for the War Between the States.

⁶⁶George M. Beebe to James Buchanan, December 21, 1860, Kansas Historical Collections, Vol. V (1895-1896), pp. 632-633; James Montgomery to George L. Stearns, January 14, 1861, Stearns Papers, Kansas State Historical Society.

CHAPTER VI

THE WAR BETWEEN THE STATES ON THE KANSAS-MISSOURI BORDER

On January 29, 1861, Kansas became a state, and on April 12, 1861, Confederate batteries opened fire on Fort Sumter. Four days later, Richard J. Hinton, the newspaper correspondent and strong defender of John Brown, wrote Montgomery a long letter from Boston pleading for the jayhawker to start a slave insurrection:

My only reliance is in insurrection, for I give the South credit for being a brave people; and fighting for their rights as they deem true, they will fight to the bitter end. The war may be continued for a long time. But a bloody war full of human concentrated riot for a few days or months would be far preferable to one consuming time, money, lives, and obliging us to maintain an army of 3 or 400,000 troops. 300,000 troops ought to be ordered out now by Presidential proclamation. The Border States will side with the Cotton States and there we have fifteen states of slave holders to fight. Would not slave insurrection make short work of it and destroy all cause for further work?¹

Montgomery opposed any such action. He refused to follow the John Brown policy of liberating slaves and had earlier taken the position that "if any state wishes to keep slaves let her keep them at home. If they allow them to come here [Kansas] they must be free."² With war

¹Richard J. Hinton to James Montgomery, April 16, 1861, Montgomery Papers, Kansas State Historical Society.

²James Montgomery to George L. Stearns, November 27, 1860, Stearns Papers, Kansas State Historical Society.

only three months away, Montgomery continued to urge a defensive policy. After receiving a letter from Franklin B. Sanborn of Concord who was also a defender of John Brown, Montgomery replied: "Your views coincide exactly with mine. I am not in favor of invading the slave states so long as they keep their slaves at home. But if they cross the line to interfere with us as Missouri is now threatening to do, then I would consider the war begun."³ A month after the Civil War began, Montgomery still opposed aggressive action: "I think our true policy, for the present at least, is to defend our own doors."⁴ Montgomery's attitude on this issue carried with it some political motivation. On one occasion he informed Edwin R. Smith, who frequently accompanied Montgomery on his free state activities, that Lincoln's election gave "the free-state people in Kansas the first administration of national affairs in sympathy with our efforts to make Kansas a free state, and I am opposed to doing anything that will embarrass this administration in its efforts for the protection of the loyal people."⁵

There were some free state Democrats, however, who were convinced that Montgomery would not confine his activities to Kansas. "I am pretty confident," said George A. Crawford of Fort Scott, "that if Montgomery should make a raid into the State the Missourians would

³Ibid., January 14, 1861.

⁴Ibid., May 8, 1861.

⁵Edward R. Smith, "How Quantrill Became an Outlaw," in Mound City Republic, October 4, 1901.

rush into the Territory and perhaps destroy indiscriminately."⁶

Crawford advised the Republicans to prevent Montgomery from taking any rash actions against Missouri until the people of the state decided whether or not they would remain with the Union. Fearful of an attack by Montgomery or an attack by a provoked Missouri militia, Crawford urged the Kansas Republicans "to get up a project among your friends to bury Ft. Scott of us pro-slavery people as we are called, Montgomery might quit if the town belonged to Republicans. We will sell cheap."⁷

Republican pressure on Montgomery was not necessary. He was busy organizing the Republican "Wide Awakes" in his district. Governor Charles Robinson was sworn into office February 9, the same day Jefferson Davis and Alexander H. Stephens were elected provisional president and vice-president of the Confederacy. President-elect Lincoln was on his way to Washington. In Kansas, county conventions were being held to select nominees for members of Congress. George Stearns asked Montgomery to work for Martin F. Conway, radical abolitionist and president of the Kansas Relief Committee, for the nomination as member of the House of Representatives. Montgomery replied that he would try to get himself appointed a delegate to the State Convention. Following the Linn County Convention on May 9, 1861, Montgomery reported the proceedings to Stearns:

⁶George A. Crawford to Sam Smith, January 21, 1861, Charles Robinson Papers, Kansas State Historical Society.

⁷Ibid.

Our county convention came off yesterday. We made a clean sweep for Conway, but we had to work for it. The corruptionists had bought out our representatives in the Legislature. They had done the same with the reps. from Allen and several other counties. The representatives there bought out, wrote home to their constituents asking to be appointed "delegates" to the Topeka convention on the 22nd stating that expenses would thus be saved, as they were already on the ground.

I have worked in Allen and Linn counties both and I think we have saved both. Bourbon was all right to begin with. I am a delegate.⁸

Not only was Montgomery a delegate, he served on the Committee on Credentials and was placed on the ballot along with Conway and four others for nomination to Congress. Conway won the votes of thirty-seven of the fifty-five delegates.⁹

On his way home from the Republican Congressional Convention at Topeka, Montgomery stopped at Lawrence to draw one hundred fifty dollars on George L. Stearns to purchase war supplies. Sometime during the latter part of April or the first part of May, Montgomery received the arms that he had been so desperately seeking through his friends in the East. Operating on his own authority, Montgomery began distributing Sharp's rifles and building a military organization in Linn County. By May 8, Montgomery had organized a regiment and hoped to soon have a brigade. In early May, Montgomery accepted a position on the Governor's staff that carried with it the rank of colonel. Governor Robinson promised him a staff position on his war council and Montgomery be-

⁸ James Montgomery to George L. Stearns, December 14, 1860 and May 10, 1861, Stearns Papers, Kansas State Historical Society.

⁹ Daniel Webster Wilder, The Annals of Kansas, p. 319.

lieved that it would not "interfere with any other command which the people may give me."¹⁰

Difficulties did emerge. A continual conflict between Governor Robinson and Senator James H. Lane over control of the state's military organization weakened the potential effectiveness of the Kansas volunteers. In April, 1861, Lane had ingratiated himself to President Lincoln at the outset of the Civil War by quickly enlisting the support of those who pushed through his election to the United States Senate in the Kansas Legislature to provide a Frontier Guard to protect the executive mansion. Two months later, Simon Cameron, Lincoln's Secretary of War, advised the President to appoint Lane a brigadier general of volunteers to raise a military force in Kansas. Lincoln told Stanton to inform Lane of the appointment and to direct him "to put it through [and] not to be writing or telegraphing back here, but put it through."¹¹ On the day of his appointment, Lane requested Lincoln to accept for service two regiments organized by him, in addition to the three regiments organized by Governor Robinson that the President had already accepted from Kansas. Lane informed the President that each regiment would consist of a mixture of infantry,

¹⁰ James Montgomery to George L. Stearns, May 8, 1861, and George W. Callamon to George L. Stearns, May 25, 1861, Stearns Papers, Kansas State Historical Society; Receipts for Sharp's Rifles distributed by James Montgomery, May 1, 1861 and official document authorizing Montgomery's rank as Colonel, signed by Governor Charles Robinson, June 24, 1861, Montgomery Papers, Kansas State Historical Society.

¹¹ Abraham Lincoln to Edward M. Stanton, June 20, 1861, United States Department of War, War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (70 vols., 128 books, Washington: Government Printing Office, 1880-1901), ser. iii, Vol. I, pp. 280-281.

cavalry, and artillery to be commanded by James Montgomery and William Weer. Montgomery was to organize his regiment at Mound City and Weer at Leavenworth or Lawrence. Montgomery now found himself in the unenviable position of being under the direction of a conservative Governor and an ambitious Senator. The Bible quoting jayhawker quickly discovered that "no man can serve two masters."¹²

While organizing a regiment authorized by Governor Robinson, Montgomery continued to be supplied with military supplies and money from the Kansas Committee. The new state government committed to support three regiments did not have money enough to finance the volunteers. George Stearns' agent in Lawrence upon whom Montgomery relied, George W. Callamon personally purchased one hundred kegs of gun powder and stored it in the Lawrence jail. Through Callamon, Stearns began to learn of some of the special problems that confronted the agents of the Eastern abolitionists. Callamon informed Stearns:

Subsequently I purchased fifty kegs more of it smuggled through from Missouri and I have made an offer for another 150 kegs of powder to parties in Kansas City, Mo. This is rather risky business, but considering that it is taken from Missourians, it becomes a Christian act. I do not consider that this is particularly beneficial to Kansas but so to the whole Union. There are now ordered to be quartered at Lawrence and this place 1600 men, volunteers. To provide for them falls to my lot. No money in the treasury, no credit. It would not do to let these men render arms without food that would be the cause of disheartening the men and breaking up the whole military organization which as at first organized is no discredit

¹²Ibid., James H. Lane to Simon Cameron, June 20, 1861; Wendell Holmes Stephenson, Publications of the Kansas State Historical Society Embracing the Political Career of General James H. Lane (Topeka: Kansas State Printing Plant, 1930), pp. 104-105.

to any state, although attempts have been repeatedly made by such mischevius men as Lane to disarrange and to entirely disorganize the same and if possible to plunge this state into irrevocable ruin. Could we but place [name indistinct], Pomeroy, and Lane in the insane asylum I am sure that Kansas would be benefited. Judgment they have not.¹³

With assistance from Callamon, Montgomery began organizing the Third Kansas Volunteer Regiment. In addition to Sharp's rifles, he requested that Stearns authorize his use of two small breech-loading guns that were stored at Lawrence. Even though the guns were without carriages and needed repairs, Montgomery believed that his new artillery company from Mound City could put them in good repair. Before this new Kansas Regiment could be officially mustered into service, a request from Union men in western Missouri resulted in several pre-induction skirmishes for the Third Kansas Volunteers in Missouri.¹⁴

On June 27, Colonel Montgomery and one hundred and eighty men marched into Missouri. Confederate forces had driven Union men out of Missouri, forcing them to leave their families behind and flee for their lives. Most of them came to Kansas and appealed to Montgomery "on bended knee" to lead an expedition into Missouri to aid in getting their "wives and children away from the dangers that had compelled them to flee their homes for no offense or crime save loyalty to the

¹³George W. Callamon to George L. Stearns, May 25, 1861, Stearns Papers, Kansas State Historical Society; Ibid., James Montgomery to George L. Stearns, June 21, 1861.

¹⁴James Montgomery to George L. Stearns, May 1 and May 8, 1861, Stearns Papers, Kansas State Historical Society; Linn County Republic, October 4, 1901. In this issue of the Republic Edwin R. Smith stated that 300 men participated in the expedition.

Union."¹⁵ Before Montgomery could take action, the Confederates stopped driving the Union men out of Missouri and, instead, coerced them to swear allegiance to the state and drafted them into their army. "In this state of things," Montgomery informed Stearns, "the Union men have called on me to lead them; and I have promised to do so."¹⁶

George L. Stearns provided the funds to keep the Third Regiment in arms, ammunition, food, and clothing. Montgomery made every effort to keep his sponsor informed as to his activities. This first drive into Missouri was detailed in a letter written from Mound City:

Entering the state early in the morning of the 26th June, we marched to Bell's Mill (15 miles) where a company of the enemy was posted. They were attacked and quickly routed; but, with the life of one man wounded and one horse killed. The enemy was strongly posted, and under cover. They were so closely packed that they had not time to mount, thus leaving quite a number of horses and mules, ready saddled, which our footmen gladly appropriated.

We took but one prisoner at this place, and can't claim that any of the enemy were hurt.

We had two skirmishes earlier in the day, in which several prisoners, with their horses were taken, and one notorious villain (Bill March Banks) was killed.

At Bell's Mill we learned, from a prisoner and other men (Union men), that we were driving into a force 8,000 strong, under General Rains retreating towards Arkansas before the U. S. forces.

The next day a few of our boys acting with a small force of Union men attacked a superior number of Rebels on Walnut Creek, in Bates County, 11 miles East of this place, killing several men and horses without sustaining any loss themselves. In another skirmish, since, two men of the enemy were killed.

¹⁵ Linn County Republic, October 4, 1901.

¹⁶ James Montgomery to George L. Stearns, June 21, 1861, Stearns Papers, Kansas State Historical Society.

Thus far we have sustained no loss only as before stated. I am engaged in raising a regt. Eleven letters to ans. in an hour. Called at the "Trading Post" to meet a force of the enemy marching on that place.¹⁷

Montgomery stated that the purpose of the Missouri raid was "to organize a regiment of Missouri Union men and Kansas boys to tender their services for the war."¹⁸ How well he achieved his objective was not clear. He told Stearns that his trip into Missouri "turned out better than [he] . . . had dared to hope." With disarming frankness, Montgomery admitted, "it has constantly happened to us that our disappointments have been better than successes, and our blunders have been our best moves."¹⁹ Whether because of the interest over the excitement along the border, new recruits from Missouri, or both, Montgomery's Third Kansas Regiment soon reached its quota. Montgomery chose to believe that "the Almighty rules in the affairs of men: That He directs, alike, the battle and the storm."²⁰

George Callamon believed that Montgomery's actions were detrimental to the needs of Kansas. The drought had caused severe injury to Kansas and Callamon predicted that military expeditions outside the state would drain off needed manpower resulting in further curtailment of crop production. Callamon's job of distributing aid sent from the East neared completion as he helped Montgomery organize and

¹⁷James Montgomery to George L. Stearns, July 5, 1861, Stearns Papers, Kansas State Historical Society.

¹⁸Ibid., June 27, 1861.

¹⁹Ibid., July 19, 1861.

²⁰Ibid.

equip the Third Kansas Regiment.²¹

On July 24, 1861, at Mound City, the Third Kansas Volunteer Regiment answered the roll call and took the oath that officially mustered them into service. After being elected unanimously by the regiment to serve as their field commander, Montgomery appointed his staff. To serve as his second in command, Montgomery selected private James G. Blunt and commissioned him Lieutenant Colonel. Under the auspices of James H. Lane, Blunt quickly rose to the rank of Major General. The only Kansan to win two-star rank during the Civil War, Blunt held numerous command posts in the West including the Department of Kansas.²²

John Gideon Haskel, an architect by profession, came to Kansas Territory from Boston in 1857. Montgomery appointed him Regimental Quartermaster. Haskel linked his military career to Blunt's, serving as his quartermaster during most of the war. After a brief stint as Quarter master General of Kansas, Haskel resumed his successful career as an architect, designing and building numerous public edifices, including the asylums for the insane at Osawatomie and Topeka.²³

Adding the light touch, Casimio B. Zularsky came direct from Boston to serve in Montgomery's regiment. George L. Stearns requested that Montgomery find a place for the young Hungarian. Montgomery

²¹ Ibid., and July 10, 1861.

²² James Montgomery Military Service Record, Field and Staff Muster Roll, General Services Administration, National Archives and Records Service, Washington, D. C.; Report of the Adjutant General of the State of Kansas, 1861-65 (Topeka: 1896), Vol. I, p. 6.

²³ John Gideon Haskell, "The Passing of Slavery in Western Missouri," Kansas Historical Collections, Vol. VII (1900-1902), p. 28.

commissioned Zularsky First Lieutenant and made him his regimental adjutant. Pleased with the new recruit from Boston and happy that he could return Stearns a favor, Montgomery told him that Zularsky was "just the man" he wanted. Callamon, who helped organize the regiment, met Zularsky when he arrived in Kansas at Lawrence. Surprised at his obviously Eastern appearance, Callamon bought him some "rough" clothes before taking him to Mound City to meet the rest of the regiment. Proud of his new position in the regiment, Zularsky requested money from Stearns to purchase a good horse in order to carry out his duties as adjutant.²⁴

To complete his staff Montgomery appointed as major, Henry H. Williams, who had previously played an important part in the free state activities as a member of the Topeka movement government. Albert Newman served as surgeon and the editor, and Methodist minister, H. H. Moore became the regimental chaplain. The company commanders included former members of Montgomery's and Brown's jayhawkers, such as Charles Jennison and Eli Snyder.²⁵

Military and political matters occupied much of Montgomery's time in the spring of 1861, but he could not completely ignore the responsibilities related to his farm, his family, his neighbors, and the increasing number of black refugees from Missouri and Arkansas.

²⁴ Leavenworth Daily Conservative, July 31, 1861; James Montgomery to George L. Stearns, July 26, 1861, and Casimio B. Zularsky to George L. Stearns, July 26, 1861, Stearns Papers, Kansas State Historical Society.

²⁵ William E. Connelley, A Standard History of Kansas and Kansans (Chicago: Lewis Publishing Company, 1918), p. 877.

Working through George Collamore the New England Relief Committee's representative in Lawrence, Montgomery continued to distribute food, clothing, and money to those in need. The severe drought and following winter was still taking its toll. "I do not know of any case of actual death from starvation," Montgomery informed Stearns, "but the suffering is great enough God knows and the supplies none too great."²⁶ In April, Montgomery received 150 bushels of wheat and 40 bushels of potatoes from Collamore which he distributed in Linn County. The number of farmers needing seeds greatly exceeded the supply. Montgomery estimated that "not one in ten [had] corn to plant."²⁷

Montgomery's own farm prospered in spite of the weather and the fact that he spent much of his time away from the fields. Stearns provided Montgomery with money to hire much of his work done while he campaigned for the election of Martin Conway and organized his military regiment. Montgomery's brother-in-law, whose farm joined his own, died leaving the widow in debt. Montgomery took over the debt and helped his wife's sister improve a portion of her farm in exchange for enough land to increase his farm to 320 acres. With the help of his sons, Montgomery was able to complete his planting by mid-May and give his attention to organizing his militia unit.²⁸

The demands on Montgomery's time continued to increase as spring slipped into summer. "I am almost pressed to death with my own

²⁶ James Montgomery to George L. Stearns, March 8, 1861, Stearns Papers, Kansas State Historical Society.

²⁷ Ibid., April 22, 1861.

²⁸ Ibid., and May 1, 1861.

affairs," he wrote Stearns in April. It became increasingly clear that the "counterband bipeds" from Arkansas and Missouri would compound the problems already facing Montgomery. Many of Montgomery's friends believed that the blacks should be sent immediately on to Canada. Men like John E. Stewart, the radical Jayhawker, believed that Kansas could not provide for their needs or protect them from being recaptured by their slave masters. Not all those who wanted Kansas to be a free state welcomed the permanent presence of the former slaves. Montgomery did not agree. He believed that it was less expensive to provide for their needs in Kansas than send them after the "North Star." Montgomery also believed that moral principles obligated him not to send them to Canada against their will. The Bible provided Montgomery with his justification: "He shall dwell among you, even within the gates in a good place where it liketh him best." Montgomery kept at least one refugee in Linn County for three years and a dozen or more over a period of six months to a year. Convinced that they were safe, Montgomery argued that, "Kansas is truly a free state, and ever shall be. A fugitive can travel as safely in Southern Kansas, as he can in Canada But, suppose they even succeed in capturing one occasionally; they will find him a dangerous missionary among their slaves in the South, and he will return bringing company with him."²⁹

Aid continued to flow from the East, not only for the destitute settlers, but also for the Black refugees from Missouri and Arkansas. Thomas Hopkins Webb, secretary of the New England Emigrant Aid Company,

²⁹ Ibid., March 11, 1861.

personally forwarded a box of clothes from the women in Boston as "substantial evidence of their sympathy and good will,"³⁰ for the refugees. The warm summer sun and the unsettled condition in Missouri and Arkansas encouraged more "contraband bipeds" to seek sanctuary in Kansas. Montgomery continued to provide for them in the best way he knew how but admitted to Stearns, "I am not able to solve your problem, and estab. clearly what is best to be done with them." True to his religious conviction Montgomery continued: "This much I think I may safely say: It is always right to do right and I am sure it is right to 'Break every yoke, and let the oppressed go free.' It is right because God commanded it, 'And shall not the judge of all the earth do right?'"³¹

A partial solution was found, when during the summer of 1861, many of the blacks were put to work on the farms in Linn and Bourbon Counties, but their numbers increased beyond the ability of the area to absorb them. Some feared that after harvest time they would flock to the towns for food and clothing. Over 130 refugees came into Lawrence in one ten day period. One day in November, 86 blacks found their way to Lawrence.³²

Montgomery's efforts to protect the refugees in Kansas did not go unnoticed in the East. Lydia Maria Child, the ardent democratic

³⁰Thomas Hopkins Webb to James Montgomery, March 11, 1861, Montgomery Papers, Kansas State Historical Society.

³¹James Montgomery to George L. Stearns, July 26, 1861, Stearns Papers, Kansas State Historical Society.

³²Lydia Maria Child to James Montgomery, December 26, 1861, Montgomery Papers, Kansas State Historical Society.

reformer and relative of George Stearns, sent Montgomery a package containing socks, mittens, and a pair of suspenders she had knit for him. She told Montgomery that since the death of John Brown "no man has more of their [Stearns] respect than your honored self."³³ Believing that the Union did not care what happened to the black refugees, she was happy to discover that Montgomery protected their interests. "Are there any regiments except those from Kansas, on whom we can rely, with certainty, as the protector of poor hunted slaves?" she asked Montgomery. Indicating her lack of enthusiasm for the Union cause because of Lincoln's refusal to recognize the worth of the blacks, she feared British aid to the South but at the same time believed such aid would be necessary "to drive us to accept the service of the despised Negroes."³⁴ Montgomery's efforts had rekindled her faith in the Union and as a result "for a month past, I have been working for your regiment, and I have put my heart into every stitch; for I know that the hands and feet I help to cover will never move one inch to help tyrants recover their slaves."³⁵

Providing adequate protection for the black refugees made Montgomery apprehensive of the Confederate efforts to increase their strength in the West by enlisting Indians. Kansans generally feared that Confederate Indians in Indian Territory and Arkansas would invade their state. In order to carry out treaty agreements and conduct

³³Ibid.

³⁴Ibid.

³⁵Ibid.

general governmental relationships with the various Indian tribes in the United States, the Commissioner of Indian Affairs, under the Secretary of the Interior, worked through regional superintendents who supervised the activities of the Indian agents. The Southern Superintendency was created in 1851 to be in charge of the Cherokee, Creek, Choctaw, Chickasaw, Wichita, and Neosho agencies, and the Seminole subagency. Even though the Southern Superintendency directed the affairs of the tribes in Indian Territory, its headquarters in 1853 to the beginning of the Civil War was in Fort Smith, Arkansas.³⁶

The rupture of the Union in 1861 had pulled most of the personnel of the Southern Superintendency into the Confederacy, which gave them similar positions in the new government. This shift left the Bureau of Indian Affairs in a desperate situation. The two main contacts Washington had with Indian Territory, the military and the Southern Superintendency, were both abandoned. Elias Rector, the Southern Superintendent, did not turn over his records when he left his post, and most likely began acting in an official capacity for the Confederacy when Arkansas left the Union on May 2, 1861. The military received orders on May 2, 1861, to pull out of Indian Territory. The new Commissioner of Indian Affairs, William P. Dole of Indiana, appointed by President Lincoln, could only guess how these developments affected

³⁶ James Montgomery to George L. Stearns, June 21, 1861, Stearns Papers, Kansas State Historical Society; Edward E. Hill, "Southern Superintendency," Historical Sketches for Jurisdictional and Subject Headings used for the Letters Received by the Office of Indian Affairs, 1824-80 (Washington: Government Printing Office, 1967), passim.

the Indian nations.³⁷

Information that had reached Commissioner Dole made him fear that the Confederates were attempting to persuade the Five Civilized Tribes to join the Southern states. Dole's fears were indeed justified. Urged by Westerners, Jefferson Davis commissioned Albert Pike Commander of Confederate States to the Indians west of Arkansas to organize and recruit Indian regiments. Fearing an invasion of Arkansas and Indian Territory, Pike urged speedy acceptance of several Creek and Seminole regiments. Pike insisted that "two thousand Creeks and Seminoles against Lane and Montgomery's marauders [would] be a force not to be despised."³⁸ Brigadier General Benjamin McCullough, assigned to Indian Territory by Jefferson Davis, also feared that Lane was organizing to march into the Territory and that Montgomery was "hovering on the border."³⁹ McCullough urged Leroy Pope Walker, Davis' Secretary of War, to send additional arms and supplies to enable him to muster more Indians into the Confederate ranks.⁴⁰

Circumstances made the task of winning Indian allies for the Confederacy increasingly easy. First, Elias Rector, the former Southern Superintendent, and a number of his Indian agents who joined with the Confederacy were on good terms with the Indians and continued their former relationships with the tribes as representatives of the

³⁷ Annie Heloise Able, The American Indian as Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy (Cleveland: Arthur H. Clarke Co., 1915), p. 182.

³⁸ Albert Pike to L. P. Walker, July 31, 1861, United States Department of War, Official Records, Ser. i, Vol. III, p. 624.

³⁹ *Ibid.*, Benjamin McCulloch to L. P. Walker, May 23, 1861, p. 583.

⁴⁰ *Ibid.*

Confederate States of America. Second, the removal of the military from Indian Territory was an untimely move on the part of the United States government, for this was an obvious violation of the treaties which stipulated that the United States would provide protection. The Confederate Indian agents were quick to point out this violation of the treaties and told the chiefs that this withdrawal indicated the weakness of the Union, and that the Confederacy was the wave of the future. Third, along with this propaganda, the Confederacy also supplied cash.⁴¹

In spite of these advantages, the Confederates were unable to mobilize the Indian forces in any sustained and organized campaign in Kansas. Irregular or rash action by the Indians, such as the attack on Humbolt, Kansas in September, 1861, only served to provoke similar action by Union forces. The South could only argue that "the examples set by Montgomery and others in the forays in that quarter might justify any little irregularities."⁴² A few weeks after the "irregular" Humbolt attack, Lane's Brigade retaliated by sacking and burning Osceola, Missouri. Montgomery appeared to fear the Osages who lived along the southern border of Kansas. He informed Stearns that the Confederates were "attempting to stir up the Indians on our

⁴¹William G. Coffin to William P. Dole, October 2, 1861, and Peter Percival Elder to William G. Coffin, September 30, 1861, United States Senate, Executive Document Number 1, 37th Congress, 2nd Session (Washington: Government Printing Office, 1862), pp. 654-655, 625-626.

⁴²Felix W. Robertson to Jefferson Davis, May 3, 1861, United States Department of War, Official Records, Ser. i, Vol. LIII, p. 676-677.

border and in this they have been aided by the agent for the Osages. Four Lodge, a Chief of the Osages is anxious for the mischief, but their Little Bear gives the Missourians no countenance."⁴³ Little Bear did not believe the Confederate promises and on one occasion tied some soldiers to the horns of their saddles and drug them out of Osage territory. Montgomery's apprehension would have turned into satisfaction when, later in the war, the Osages slaughtered some Confederate soldiers who were trying to negotiate a treaty with the Plains Indians.⁴⁴

Fear of an invasion by Indians, Missourians, or both, hastened the final organization of Lane's Brigade. Montgomery's Third Kansas regiment joined with William Weer's Fourth, and Hampton P. Johnson's Fifth to comprise the Brigade. With an artillery company and two cavalry companies of his regiment, Montgomery arrived at Leavenworth early in August 1861, to requisition equipment and supplies from the United States arsenal. On August 12, the Third regiment left Leavenworth for Mound City with twenty one government wagons each being pulled by six pair of oxen. The rain-drenched expedition caught the attention of the citizens of Leavenworth because the wagon drivers were all recent "contraband bipeds" who had arrived at Montgomery's Fort. The unusual sight provoked astonishment in the previously pro-slavery community by using the blacks in a military organization. The

⁴³James Montgomery to George L. Stearns, June 21, 1861, Stearns Papers, Kansas State Historical Society.

⁴⁴Ibid.; Peter Percival Elder to James G. Blunt, May 17, 1863, United States Department of War, Official Records, Ser. i, Vol. XXIII, pt. 2, p. 286.

local editor could hardly believe "the wagon-master, even, was a negro!"⁴⁵ Montgomery had reached the conclusion that the refugees could be a valuable military asset, and it solved his problem of what to do with them while he was engaged in military maneuvers.⁴⁶

Before Colonel Montgomery left Mound City, Captain W. E. Prince, adjutant general of Leavenworth, received orders to direct Montgomery to join Brigadier General Nathaniel Lyon's command at Springfield, Missouri, immediately. The shortage of promised government munitions and other supplies, and Lane's arrival in Kansas from Washington prevented Montgomery from joining Lyon, who was subsequently killed at the battle of Wilson's Creek in Springfield. It was not until October that Montgomery's Third Kansas regiment headed toward Springfield to join Major General John C. Fremont's army.⁴⁷

Five companies of Montgomery's Third Kansas Volunteers arrived at Fort Scott, headquarters for General Lane's Brigade, on August 20, 1861. The pro-slavery sympathizers had left town, in many cases leaving behind their personal possessions. As fate would have it, Colonel Montgomery established his headquarters in the house of his old nemesis, Judge Williams, who left his house well provisioned and lavishly furnished. Montgomery and his staff had four soldiers for servants, and "a contraband wench for cook." In the new quarters

⁴⁵Leavenworth Daily Conservative, August 13, 1861.

⁴⁶Joseph Trego to Alice Trego, August 13, 1861, Trego Papers, Kansas State Historical Society.

⁴⁷J. C. Kelton to W. E. Prince, August 4, 1861, United States Department of War, Official Records, Ser. i, Vol. III, p. 425.

Zularsky, Montgomery's adjutant, often entertained his commander by playing the piano left by Judge Williams while he sang such tunes as "Annie Laurie,"⁴⁸

The leisurely life did not last long. The Confederates, under the command of Major General Sterling Price, had taken possession of Springfield, Missouri, and upon hearing of "marauding and murdering" bands of Kansas jayhawkers infesting the western counties of the state, sent Brigadier General James S. Rains with a mounted force to clear them out. While Montgomery's Third Kansas Volunteers were conducting religious services in a small grove near Fort Scott, on September 1, Rains' advanced cavalry guards captured approximately seventy mules grazing on the Missouri side of the border and killed the herdsman. Several companies of Montgomery's regiment were ordered to pursue the enemy and recapture the mules that belonged to Colonel Weer's regiment. Within two miles of the Fort, Montgomery's men made contact with the enemy but were forced to retreat. In the meantime, Colonel Montgomery and Lieutenant Colonel Blunt organized the battalion for battle. Montgomery ordered an advance, but the enemy evaded his force. Lane was quite concerned about the possible capture of Fort Scott, where a sizeable number of arms was stored. He ordered Montgomery to seek out the Confederate forces in the area, "ascertain his strength, the nature of his arms, . . . his purposes and resources, and fight him

⁴⁸ Joseph Trego to Alice Trego, September 5, 1861, Trego Papers, Kansas State Historical Society; Thomas F. Robley, History of Bourbon County Kansas, p. 169.

unless his force . . . [is] too strong."⁴⁹

In compliance to Lane's orders, Montgomery located the main body of Confederate forces on the west bank of Dry Wood Creek, in Missouri, twelve miles east of Fort Scott. By this time Price had joined forces with Rains, bringing the Confederate force to approximately 6,000. Montgomery, with fewer than 500 men, crossed the creek and ordered his men to dismount and crawl to the top of a bluff that stood between them and the enemy. From this point, Montgomery ascertained the enemy's strength and realized that he must retreat with his men and said, "Boys, fall back, fall back."⁵⁰ By not using a bugle for retreat, Montgomery left the Confederates unaware of the maneuver until they were well across the creek and headed toward Fort Scott. According to one observer, Montgomery's judgment in the heat of battle "was sufficiently self possessed to order a retreat in time to save nearly all, tho' not quite, a few being cut off and taken prisoner."⁵¹

Lane believed that the Confederate forces would follow his brigade to Fort Scott and capture the cache of arms stored there. Believing the fort to be indefensible, Lane gave orders to evacuate the town and move the stores to Fort Lincoln, a fortification Lane had recently

⁴⁹The Lawrence Republican, September 19, 1861, p. 2; Sterling Price to Claborne F. Jackson, September 4, 1861, United States Department of War, Official Records, Ser. i, Vol. LIII, pp. 435-436.

⁵⁰The Lawrence Republican, September 19, 1861, p. 2; Sterling Price to Claborne F. Jackson, September 4, 1861, United States Department of War, Official Records, Ser. i, Vol. LIII, pp. 435-436.

⁵¹Joseph Trego to Alice Trego, September 12, 1861, Trego Papers, Kansas State Historical Society; E. S. W. Drought, "James Montgomery," Kansas Historical Collections, Vol. VI (1897-1900), pp. 342-343.

had constructed for such an emergency. While Fort Scott was being evacuated, Colonel Montgomery with 450 cavalry provided security along the Kansas border. Price had no intentions of pursuing Montgomery into Kansas, and he bivouacked in full view of Montgomery's field glasses. Realizing the impossibility of his task, Montgomery departed regretfully from his observation point and marched his men back to Fort Scott. This maneuver made it clear to Price that he was in no danger from an attack by the jayhawkers.⁵²

Upon arrival at Fort Scott, Montgomery found the town virtually deserted. Unaware of Price's intentions, Colonel Montgomery prepared to carry out the final phase of his orders from Lane. The orders to Montgomery and Blunt were clear. They must "harass the enemy, deceive him, . . . outwit him, and by strategy keep him back if possible, but in no case allow him to occupy Fort Scott, only as he found it wrapped in flames."⁵³

Upon learning that Fort Scott had been abandoned, Price gave up any ideas he had of launching an attack across the border into Kansas. He informed the Missouri Governor that he would not invade Kansas "unless her citizens shall provoke me to do so by committing renewed outrages upon the people of this state. . . . It is my earnest desire to keep my army within Missouri."⁵⁴ Once more Fort Scott was spared

⁵²Ibid.; Joseph H. Trego to Alice Trego, September 5, 1861, Trego Papers, Kansas State Historical Society.

⁵³The Lawrence Republican, September 19, 1861, p. 2.

⁵⁴Sterling Price to Claborne F. Jackson, September 4, 1861, United States Department of War, Official Records, Ser. i, Vol. LIII, p. 436.

the torch at the hands of James Montgomery. Other towns were not to be so fortunate.⁵⁵

Before further operations could be conducted with any likelihood of success, Lane's Brigade needed more men. Shortage of enlistments hampered effective opposition to Price's maneuvers as he headed for Lexington, Missouri. When enemy action along the Kansas border was imminent enlistments soared, but when the threat diminished, so did enlistments. Lane constantly warned of impending danger from Confederate forces in Missouri, Arkansas, and Indian Territory, but many Kansans discounted Lane's reports as a ruse to encourage enlistments to fill the Kansas regiments. Montgomery shared Lane's fears and rejoiced when volunteers from other states requested to join his command.⁵⁶

John Brown, Jr., son of the notorious abolitionist, William W. Allen, United States Senator from Ohio from 1837 to 1849, after whom Allen County Kansas was named, and other Ashtabula County, Ohio abolitionists, raised a company of men in hopes of joining Montgomery's regiment. Goerge L. Stearns, of Boston, provided both funds and encouragement for the enterprise to enlist men for Kansas "who know what they are expected to do; to exterminate slavery and crush the rebels."⁵⁷

⁵⁵The Lawrence Republican, September 26, 1861, p. 2; Henry E. Palmer, "The Black-Flag Character of War on the Border," Kansas Historical Collections, Vol. IX (1905-1906), p. 456.

⁵⁶James Montgomery to George L. Stearns, July 10, 1861, Stearns Papers, Kansas State Historical Society.

⁵⁷K. G. Thomaz to George L. Stearns, August 13, 1861, Stearns Papers, Kansas State Historical Society.

John Brown, Jr. asked Stearns to provide for his family while he struck "a blow for freedom" with Montgomery. When the men from Ohio arrived, Montgomery's regiment was complete but there remained in Colonel Jennison's regiment room for a company of Ohio abolitionists. The Ohio company, plus the new Kansas volunteers that joined Lane's Brigade as a result of the Dry Wood skirmish increased the brigade in a short time to about 2,500 men. With this number, Lane felt more confident in launching an offensive operation in Missouri.⁵⁸

Lane's initial motivation for a military operation in Missouri came as a result of a Confederate guerrilla attack on Humbolt, Kansas, headquarters for the Southern Superintendent of Indian Affairs. The raid on Humbolt was led by John Matthews, an old Indian trader who had much influence over the Osage Indians and hoped to persuade them to support the Confederate cause. Upon receiving word of this raid, Colonel Blunt led a detachment of 125 men to Neosho, Missouri where the Confederate raiding party planned to rendezvous. After a successful search of the area and a skirmish in which Matthews lost his life, Blunt and his men returned to Fort Scott on September 20. He and his men, flushed with victory, encouraged further retaliatory action.⁵⁹

Not waiting for Blunt's return, Lane's Brigade left Fort Lincoln on September 9, headed northeast on a raiding mission into Missouri.

⁵⁸ John Brown, Jr., to George L. Stearns, July 9, and August 9, 1861; William R. Allen to George L. Stearns, June 8, 1861, Stearns Papers, Kansas State Historical Society.

⁵⁹ Leavenworth Daily Conservative, October 10, 1861; Lawrence Republican, September 26, 1861, p. 2; James G. Blunt, "General Blunt's Account of His Civil War Experiences," Kansas Historical Collections, Vol. XVIII (1931-1932), pp. 214-215.

Montgomery, "too unwell to ride" did not catch up with the Brigade until several days later. When Montgomery arrived, he took command of the cavalry numbering not more than 600 men. The jayhawking army moved through Butler and Parkville, Missouri which reluctantly supplied the troops with horses and cattle. On September 14, the 1,500 man brigade established Camp Montgomery near West Point, Missouri. Two days later, Montgomery led 600 men against an encampment of Confederate troops at Morrystown, in Cass County, Missouri. They reportedly killed seven of the enemy, losing two men of their own, plus six wounded. One of the Union men killed was Colonel Hampton P. Johnson, second in command to Montgomery. The Union forces captured the camp equipage composed of tents, wagons, and some 100 horses and horse equipment. The following week all the men fit for duty marched to Osceola, Missouri. Finding the roads into town fortified, Lane sent Colonel Montgomery and Colonel Weer ahead with their men to clear the way. In the process of shelling the town, several buildings caught fire, illuminating the night.⁶⁰

County seat and commercial city of importance on the Osage River, Osceola was a distribution center for southwestern Missouri and Indian Territory. By taking the city, Lane hoped to cut off Price's and Rains' retreat from Lexington, Missouri and deprive them of needed

⁶⁰ Joseph Trego to Alice Trego, September 12, 1861, Trego Papers, Kansas State Historical Society; James H. Lane to John C. Fremont, September 24, 1861, James H. Lane to Commander of Post at Kansas City, September 14, 1861, and James H. Lane to W. E. Prince, September 10 and 17, 1861, United States Department of War, Official Records, Ser. i, Vol. III, pp. 196, 492-493, 485.

supplies believed hidden in the city. It was also believed that Osceola harbored a small enemy force. The morning after the shelling, the dawn revealed a Confederate flag flying over the court house, but a thorough search of the town convinced Montgomery and Weer that the enemy had fled. The searchers did find tons of lead. Miners in southwest Missouri transported their lead to Osceola for water transportation to St. Louis. They also located supplies for making cartridges and some gun powder. Wagons were loaded with as many supplies as could be used or carried by the invading army, but as to what should be done with the town itself, Montgomery and Weer disagreed.⁶¹

Colonel Weer preferred to spare the town, but Montgomery favored burning it to the ground. Montgomery was convinced that the town was a breeding place for treason and that the enemy intended to make use of it as a military post during the winter. Montgomery reasoned, that, since the Union could not afford to send a force to occupy the town or make weekly expeditions to expel the Confederates, the town must be destroyed. Montgomery ordered that a tannery and civilian houses in the outskirts be left in order to provide protection for the women and children. A chaplin in Montgomery's regiment and reporter for the Lawrence Republican witnessed the scene:

Here we come to the horrors of war. They surpass all description. War is the sum of human wretchedness; and yet there are men whose souls are feasted and glutted with delight at the sight of distracted women, weeping children, and burning cities. As the sun went down Sunday night, Osceola was a heap of smouldering ruins.⁶²

⁶¹ Lawrence Republican, October 3, 1861, p. 2.

⁶² Ibid.

Untroubled by the mortality or logic of making war on the civilian population, Montgomery assumed he acted as God willed. The destruction of the town undoubtedly created more support for the Confederacy as Montgomery indiscriminately destroyed both Union and Secessionist property. More retaliation would follow. This type of guerrilla action on the part of Lane's Brigade brought increasing criticism from Governor Robinson of Kansas who feared it would threaten his state's security.⁶³

While the brigade plundered Osceola, Montgomery took special pains to destroy all the kegs of whiskey in the town. He believed prohibition to be as right as his decision to destroy a town. One of his first acts as commander of Fort Scott had been to order the destruction of all whiskey in the town. Montgomery now had the kegs of whiskey in Osceola smashed and emptied into the streets. Not being able to bear the sight of distilled spirits being wasted in such a wanton manner, discreetly out of sight of their commander, his men managed to fill their canteens as the liquid ran into a gully. Their success in this enterprise can be measured by the reports that at least 300 men, too drunk to walk, were hauled out of the town in wagons already over-loaded with booty.⁶⁴

Official reports imply a somewhat different picture of the burning

⁶³ James H. Lane to Abraham Lincoln, October 9, 1861, and James H. Lane to John C. Fremont, September 24, 1861, United States Department of War, Official Records, Ser. i, Vol. III, pp. 529-530, 196; Leavenworth Daily Conservative, October 18, 1861.

⁶⁴ Edward S. W. Drought, "James Montgomery," Kansas Historical Collections, Vol. VI (1897-1900), p. 343.

of Osceola. In pursuit of Confederate forces commanded by General Rains, Lane drove them into Osceola and when he shelled the town "every house exploded with concealed powder."⁶⁵ The destruction of the town, according to the official reports, dislodged Rains, but Lane's force was not strong enough to pursue the Confederates further and they withdrew to Kansas City to join Brigadier General Samuel D. Sturgis.⁶⁶

At Kansas City, Montgomery's Regiment rested and gathered in supplies along with the rest of Lane's Brigade. Price was forgotten as attention was given to adding some morale building accouterments to Montgomery's Regiment. The soldiers received new uniforms with hats that displayed "yellow cords and tassels, eagles for the sides, ostrich feathers &c."⁶⁷ Also, a regimental band available in Kansas City selected Montgomery's Regiment and added another extra flair to his command.⁶⁸

Lane's Brigade left Kansas City and headed south in an attempt to overtake Price's army as they retreated from Lexington, Missouri. On October 30, Lane's Brigade was ordered to rendezvous with Major General John C. Fremont, Union commander in the West, and other Union forces at Springfield, Missouri. The jayhawkers followed their customary practice of foraging off Confederate sympathizers. In Cedar

⁶⁵ B. Rush Plumley to Thomas A. Scott, October 3, 1861, United States Department of War, Official Records, Ser. i, Vol. III, p. 516.

⁶⁶ Ibid., p. 517.

⁶⁷ Joseph Trego to Alice Trego, October 2, 1861, Trego Papers, Kansas State Historical Society.

⁶⁸ Ibid.

County, near Montevallo, Missouri, Montgomery's men located "contraband wheat" that had been secreted away and stopped for a few days to have it ground. A few days earlier, the regiment paid a return visit to the burned-out town of Osceola. While there, they allowed Union men to "come in and help themselves to salt and stores of which were in a great abundance."⁶⁹ Shortly after Montgomery's departure, General Sturgis arrived at Osceola and placed a military guard over the supplies to prevent any being carried away. Sturgis did not condone foraging without paying for the supplies. Montgomery's men looked upon this practice of Sturgis as traitorous since he purchased supplies from known Confederates or neutrals who were Secessionists in principle. James G. Blunt later recalled that the "march through Missouri was noted for nothing very remarkable except that our trail was marked by feathers of 'secesh' poultry and the debris of disloyal beeguns."⁷⁰

Another disruptive feature of the Union's march across southwestern Missouri was the flight of Negroes from Missouri into Kansas. Two hundred were sent to Kansas from in and around Osceola under the protection of Captain O. P. Bayne, one of John Brown's closest friends in Kansas. Later, when Montgomery's Regiment left Springfield, two hundred fifty slaves were ready to follow them. Captain Trego, commander of Company C of Montgomery's Regiment, reported that "Kansas

⁶⁹ Ibid., October 28, 1861.

⁷⁰ James G. Blunt, "General Blunt's Account of His Civil War Experiences," Kansas Historical Collections, Vol. XVIII (1931-1932), p. 216; John C. Fremont to James H. Lane, October 30, 1861, United States Department of War, Official Records, Ser. i, Vol. III, p. 557; Joseph Trego to Alice Trego, October 28, 1861, Trego Papers, Kansas State Historical Society.

is about full of niggers now."⁷¹ This loss of property resulted in numerous forays into Kansas by slave owners to recapture their runaways and subsequent retaliation by Kansas jayhawkers.⁷²

After a short stay in Springfield, Lane's Brigade returned to Fort Scott to protect the border. Fremont had waited for the Confederates to attack, but Price chose not to follow Fremont's game plan. In early November, Fremont was replaced by Major General David Hunter. Lane scattered his forces along the border, sending Montgomery north toward Osawatomie to guard against a Confederate force believed to be gathering in Cass County, Missouri.⁷³

The failure of Fremont to attack Price with the Union forces gathered in Springfield allowed the crafty Confederate commander to threaten the safety of Kansas. In December, Price complained to Brigadier General Ben McCulloch that Montgomery's presence in the area of the Osage River in Missouri prevented new recruits from reaching his command. Price also requested that McCulloch join him in a northward move to the Missouri River and an attack into Kansas. Brigadier General Daniel M. Frost also encouraged Price to invade Kansas. Frost pointed out that Fort Leavenworth held supplies worth \$8,000,000 which could be used to destroy the Hannibal & St. Joseph Railroad. Perhaps, remembering his previous efforts to capture Montgomery, Frost urged Price to "sweep down through Kansas and exterminate the jayhawking

⁷¹Ibid., November 12, 1861.

⁷²John B. Wood to George L. Stearns, November 19, 1861, Stearns Papers, Kansas State Historical Society.

⁷³The New York Times, December 17, 1861, Vol. XI, No. 3194, p. 3.

bands of Lane and Montgomery"⁷⁴ Price could not invade Kansas without assistance because of Montgomery's Regiment. McCulloch was unable to send the assistance requested due to greater need in Indian Territory against Chief Opothleyahola and in support of Stand Watie.⁷⁵

Unaware of his effectiveness along the border, Montgomery believed the flood of reports reaching his headquarters relating impending Confederate action. Fearing an invasion he moved his regiment to Osawatomie after informing Hunter of Price's position. While in Osawatomie, Montgomery received orders from Brigadier General James W. Denver, commander of the district of Kansas, to disperse the various regiments stationed at Fort Scott to strategic points along the border. Montgomery's Regiment was ordered to return to Fort Scott to defend it, if possible, or retreat, if necessary, to West Point, Missouri. After keeping General Denver posted on the enemy's position, Montgomery felt "coolly snubbed" when the General regarded the information as "all stuff," and believed instead that Price's army was disbanded. The information that Montgomery had received was accurate and included a speech Price had given in which he said he would make a "wide sweep

⁷⁴Daniel M. Frost to E. C. Cabell, December 9, 1861, United States Department of War, Official Records, Ser. i, Vol. VIII, pp. 706-707.

⁷⁵Sterling Price to Ben McCulloch, December 6, 1861, and Ben McCulloch to Sterling Price, December 14, 1861, United States Department of War, Official Records, Ser. i, Vol. VIII, pp. 702-703, 712-713.

into Kansas before Christmas."⁷⁶ But McCulloch's inability to assist Price wrecked his plans.⁷⁷

Returning to Fort Scott, Montgomery dispatched his infantry company from Mound City under Major Henry H. Williams to Papinsville and Butler, Missouri, to burn the towns and every "secesh" house on the way. On December 14, Major Williams successfully completed his mission, but not before Montgomery became worried because he was a day late. Montgomery sent his cavalry company to meet him for fear he had been cut off by Sterling Price.⁷⁸

On December 28, 1861, the Third Kansas Volunteers set up winter camp, named Camp Defiance, on Mine Creek just eight miles from Mound City. While still in the process of establishing the camp, Montgomery ordered Company E, a cavalry unit composed almost entirely of Mound City men, with Henry C. Seaman as Captain, on a jayhawking expedition twenty miles into Missouri. The company missed the intended road and arrived too late to attend a "secesh ball." Even though the dance was over, the Union men were able to take some prisoners including at least one Confederate officer. The company arrived back at Camp Defiance with their prisoners and "several teams loaded with bacon, dried fruit, apples, lard, butter, honey, &c."⁷⁹ Camp Defiance became the last

⁷⁶Ibid., James Montgomery to James H. Lane, December 8, 1861, Ser. i, Vol. III, pp. 415-416.

⁷⁷Ibid., and James W. Denver to Headquarters Troops in Kansas, December 10, 1861, Vol. VIII, p. 423.

⁷⁸Joseph Trego to Alice Trego, December 18, 1861, Trego Papers, Kansas State Historical Society.

⁷⁹Ibid., December 28, 1861.

headquarters for Montgomery's arm of Lane's Brigade. Here his men remained for the rest of the winter. James G. Blunt later recalled that the regiment "for the want of anything else to kill we 'killed time,' in masticating government rations."⁸⁰ Lieutenant Trego observed how his commander whiled away the winter hours:

Col. Mont. has an old Sibley tent, smoky and cheerless, in which he receives all the yahoos from Missouri who are anxious to see him, and there is generally a tent full of them, who will lay around him by the hour, talking about border ruffian times when they supposed that Montgomery was an "awful man" but they had gone right, far enough to vote for Lincoln, and for that they were driven from Missouri. If they had been worth as much as a good cigar they would have defended themselves at home instead of running at the first approach of danger. Why the Col. permits such men to occupy so much of his time is known only to himself.⁸¹

As strong as Lane's military power was in Kansas, it was not complete. Montgomery and other jayhawk leaders along the border were caught in the web of political intrigue of James H. Lane and his ever continuing power struggle with Governor Robinson. The appointment of James W. Denver, former Territorial Governor of Kansas, as commander of the Department of Kansas, brought a strong ally into Governor Robinson's camp. Montgomery had developed a strong dislike for Denver because of his public statements that he would not retract calling Montgomery a robber and a murderer. Montgomery let it be known that he would resign rather than serve under Denver. Montgomery was not

⁸⁰ James G. Blunt, "General Blunt's Account of His Civil War Experiences," Kansas Historical Collections, Vol. XVIII (1931-1932), p. 218.

⁸¹ Joseph Trego to Alice Trego, December 28, 1861, Trego Papers, Kansas State Historical Society.

alone in his attitude toward Denver. It was speculated, and later proved to be true, that Denver had been selected to replace General Hunter. Lane's complete control of affairs in Kansas was also hampered by the actions of his predatory jayhawking brigade which had aroused the ire of the more conservative and rational elements of military and political establishments. Major General H. W. Halleck, Commander of the Department of Missouri, complained to President Lincoln that "the operations of Lane, Jennison, and others have so enraged the people of Missouri, that it is estimated there is a majority of 80,000 against the government. We are virtually in an enemy's country."⁸² Governor Robinson, fearful of a retaliatory raid from Missouri and eager to regain control of the military establishment in Kansas from Lane, disbanded the Third and Fourth Kansas Volunteers transferring portions of the companies to other regiments and consolidating the remainder into a new regiment, the Tenth Kansas Volunteers. He also appointed new field officers in an attempt to rid the regiments of radical jayhawkers like Montgomery, Blunt, and Jennison.⁸³

Montgomery's Third Kansas Volunteers was disbanded by order of Governor Robinson February 20, 1862. At the same time, Colonel Montgomery was mustered out at Fort Leavenworth and reinstated as Lieutenant Colonel. Two months later, at approximately the time the Third

⁸²H. W. Halleck to Abraham Lincoln, January 6, 1862, United States Department of War, Official Records, Ser. i, Vol. VII, p. 532.

⁸³The New York Times, December 21, 1861, Vol. XI, No. 3198, p. 2; James G. Blunt, "General Blunt's Account of His Civil War Experiences," Kansas Historical Collections, Vol. XVIII (1931-1932), p. 218.

Regiment proceeded to Paola, Kansas on April 27, Montgomery received an honorable discharge. What transpired to bring about Montgomery's rapidly changing circumstances during the early months of 1863, are not entirely clear. In addition to his struggle with Governor Robinson, Lane lost a command position in Kansas to General Hunter and returned to the United States Senate. Lane's Brigade officers were subject to intensive investigation for their unauthorized jayhawking activities. Jayhawking in Montgomery's Regiment was found to be "fearfully prevalent." Even though Montgomery was not charged with misconduct, he was left with a bitter taste in his mouth toward Lane who seemingly deserted his brigade for the safety and immunity of the United States Senate. Adding insult to injury as far as Montgomery was concerned, James G. Blunt, who started as a private in Montgomery's regiment, captured the prize military position in Kansas by being appointed through the influence of Senator Lane, Brigadier General of Volunteers. At approximately the same time that Montgomery was discharged, Blunt became commander of the Department of Kansas, comprising Kansas, Nebraska, Colorado, and Indian Territory. Montgomery's military career terminated under a set of humiliating circumstances. Numerous members of his former command pleaded with him to reclaim his commission and his command, even offering to pay his expenses to take his case to Washington, D. C. Montgomery refused and turned his attention to a

subject he had long been devoted.⁸⁴

As a civilian, Montgomery could not rest during the summer of 1862, as he observed an ever growing number of Negroes in Linn County from Arkansas and Missouri. In the summer they filled a needed service in an area short of labor due to the war, but with winter approaching, there was growing fear that the blacks would become an unwelcome burden. It was generally expected that the former slaves would work as laborers in the Kansas military units. The next logical step for the black was serving as a Union soldier. James H. Lane had been a long-time advocate of using Negroes in the Union Army. Colonel Charles R. Jennison, as early as September 1861, contemplated organizing a "company of contrabands for the service,"⁸⁵ in Leavenworth. Not to be outdone by Jennison, James Montgomery began putting together a volunteer battalion consisting of regiments of Indians, Negroes, and whites. On August 3, 1862, Montgomery offered Governor Robinson a black regiment and requested an appointment as their commander. Montgomery explained to the Governor that:

These men are nearly or quite unanimous in their preference for me as their colonel. Their second choice is Jennison.

⁸⁴James Montgomery's Military Service Record, "Field and Staff Muster Roll," and "Invalid Army Pension," General Services Administration, National Archives and Records Service; James G. Blunt, "General Blunt's Account of His Civil War Experiences," Kansas Historical Collections, Vol. XVIII, p. 218; Abraham Lincoln to David Hunter and James H. Lane, February 10, 1862, United States Department of War, Official Records, Ser. i, Vol. VIII, p. 551; Lem Thompson to James Montgomery, March 7, 1862, Montgomery Papers, Kansas State Historical Society.

⁸⁵Leavenworth Daily Conservative, September 14, 1861.

Now, Governor, allow me to say, that with my personal knowledge [of] Jennison I cannot imagine any greater calamity that could befall the blacks than the appointment of Jennison to command them.

I have been solicited by the honorable portion of our citizens--those who wish to see the Negro elevate, instead of being made a thief and a pest to society, to take command of them.

Your Excellency will hear from the citizens on their own account in the matter.

There is perhaps no person, living, who could inspire the blacks with the same amount of courage and confidence, as I can; or who can so easily mold them to honor or dishonor.

Now I do not wish to command a white regiment. My time is worth more to me at home, and my family needs attention. A sense of duty to society and humanity alone inspire me to ask the favor of an appointment at your excellency's hands.⁸⁶

Desperately hoping to keep Jennison from getting command of the regiment, Montgomery added a pungent postscript charging that his rival was "an unmitigated liar, blackleg, and robber. . ." ⁸⁷

The next day, James H. Lane returned to Kansas from Washington with an appointment as recruiting commissioner for the Department of Kansas. Jennison immediately offered Lane two regiments of blacks. That same week, while Mound City citizens were celebrating the anniversary of British emancipation in the West Indies, Montgomery, over optimistic about an answer from Governor Robinson, mustered into the service of the United States one hundred able-bodied contrabands for service in Missouri under his command. The press reported that "Colonel Montgomery . . . will have a battalion of Indians, Negroes, and white men under his command. The 'tri-colored brigade' will

⁸⁶ James Montgomery to Charles Robinson, August 3, 1862, Charles Robinson Papers, Kansas State Historical Society.

⁸⁷ Ibid.

undoubtedly give a good account of itself."⁸⁸

Once more Montgomery's military ambitions were frustrated as the Lane-Robinson feud rekindled itself. Lane insisted that Governor Robinson could not make any appointments of military personnel without Lane's approval but must approve all appointments made by him. Lane's position was backed by Lincoln's Secretary of War, Edwin M. Stanton. For the most part, the shrewd Lane ignored both Montgomery and Jennison and authorized Captain James William to recruit Negroes north of the Kansas River and Captain Henry C. Seaman, one of Montgomery's former captains, to enroll blacks south of the river. After Lincoln's "Emancipation Proclamation" which officially authorized such recruitment the First Regiment, Kansas Colored Volunteers were mustered into service on January 13, 1863 along with Colonel James M. Williams, commanding. Several weeks prior to the activation of Kansas' first black regiment, convinced that he could not receive a commission in Kansas, Montgomery took the advice of his former field officers and sought aid from his influential friends in the East.⁸⁹

Command of the Third Kansas Volunteers provided the Kansas Jayhawker with a practical education which prepared him for his next

⁸⁸ Emporia News, August 9, 1862; James H. Lane to Edwin M. Stanton, August 5, 1862, United States Department of War, Official Records, Ser. iii, Vol. II, pp. 294-295; Ibid., C. P. Buckingham to James H. Lane, July 22, 1862, p. 959.

⁸⁹ Charles Robinson to Edwin M. Stanton, August 20, 1862, and Edwin M. Stanton to Charles Robinson, August 21, 1862, United States Department of War, Official Records, Ser. iii, Vol. II, pp. 417, 431; Official Army Register of the Volunteer Forces of the Army for the Years 1861, '62, '63, '64, '65, in 8 parts (Washington: 1867), Part VIII, p. 256.

command in South Carolina. Experience in recruiting, organizing, and commanding a regiment, coupled with his special knowledge of the behavior and characteristics of black men freed from bondage were the main features of the Kansas Colonel's education. Montgomery's training proved expensive for both Kansas and Missouri because the border also nurtured ruffians interested only in plunder and retaliation. The jayhawking expeditions into Missouri by Lane's Brigade undoubtedly caused more strife on both sides of the border than would have resulted from more defensive tactics.

Montgomery's ambition to lead a Negro regiment into Missouri was not realized, but on the same day the First Regiment, Kansas Colored Volunteers were mustered into federal service, the Kansas jayhawker took command of a similar regiment on the Sea Islands off the coast of South Carolina and Georgia. The fruits of Montgomery's education were to be tried and tested in the newly created Department of the South.

CHAPTER VII

DEPARTMENT OF THE SOUTH TO APRIL 1863

James Montgomery did not waste any more time in the West struggling against James Lane and Charles Jennison. He took his problem East where he had acquired a number of influential friends, both in and out of government circles. Montgomery knew that only through "Washington" could he get the position he desired, that of organizing and leading a Negro regiment. No lesser official than the Secretary of War, Edwin M. Stanton, acting on direct orders from the President, had authority to establish such a position.

There were those Montgomery had known in the Territory who had only recently arrived in Washington, D. C., that perhaps could be of assistance to him. One of the recent arrivals was Samuel Clarke Pomeroy who had been elected to the United States Senate in April, 1861, along with James Lane. Formerly an agent for the New England Emigrant Aid Company, Pomeroy had received generous campaign funds from Thaddeus Hyatt of New York, organizer of the Kansas Relief Committee. The recent appointment of Pomeroy by President Lincoln as United States Colonization Agent to recruit Negroes for the Chiriqui Improvement Company in Central America indicated that he could be a valuable contact for Montgomery. Previous enmity with Senator Lane created a serious obstacle in Montgomery's path. Everyone knew that Lane

controlled Kansas patronage because of his close relationship with President Lincoln. Senator Pomeroy and Representative Martin F. Conway found themselves practically powerless to help their Kansas friends. Yet, when Montgomery reached Washington, D. C., in December, 1862, he went directly to Senator Pomeroy to ask for the desired position. For what it was worth, Pomeroy promised Montgomery his support.¹

Without waiting for results from Pomeroy, Montgomery paid a visit to Eli Thayer, founder of the Emigrant Aid Company. Thayer told Montgomery about a "Florida scheme" in which he might assist him. Montgomery considered Thayer's proposal over the Christmas holiday and the next day wrote a short note to his influential and wealthy friend George L. Stearns. He asked Stearns if it would be possible for him to come to Washington, because Montgomery knew that this would give him additional assistance. The note was delivered to Stearns by Senator Pomeroy, who, Montgomery expected, would explain things more fully.²

Montgomery needed all the help he could get if he expected to overcome the influence of Senator Lane. Having earlier raised money in New York and Boston to help secure the election of free state

¹Samuel C. Pomeroy to Thaddeus Hyatt, March 14, 1861, Hyatt Papers, Kansas State Historical Society; Paul J. Scheips, "Lincoln and the Chiriqui Colonization Project," Journal of Negro History, Vol. XXXVII, No. 4 (October 1952), p. 430; Daniel W. Wilder, The Annals of Kansas, pp. 378, 438; James A. Chipman to Stephen N. Wood, August 20, 1861, Wood Papers, Kansas State Historical Society; James Montgomery to George L. Stearns, December 24, 1862, Stearns Papers, Kansas State Historical Society.

²Ibid., December 24 and 26, 1862.

delegates to the Kansas Territorial Legislature in 1865, Senator Henry Wilson of Massachusetts now held the chairmanship of the important nominating committee which selected individuals for elevation to star rank. Wilson, however, acted under the strong influence of Senator Lane, a member of his committee. Montgomery believed that pressure from Wilson's home state applied by George Stearns could stop Lane's influence. "I shall not commit myself to anything, or anybody," Montgomery promised Stearns, "till I hear from you. I think, however, that almost anything would be preferable to going into the service with Blunt, Weer, and Company."³ The Kansas jayhawker had definitely decided to remove himself from the Kansas military establishment.

Not one to miss any opportunity, Montgomery tried every possibility. He called on Representative Conway, the man Montgomery had given considerable help in his bid for Congress in 1861. Conway, however, was not in Washington because he had gone to aid his ailing wife. Montgomery carried his campaign to President Lincoln with whom he had a short, kindly interview. Lincoln had been empowered by Congress to use Negroes as soldiers earlier in the year, but had not publicly authorized such use. A Negro regiment, the First South Carolina Volunteers, under the command of Thomas Wentworth Higginson, one of Montgomery's earlier associates, already had full authorization from the War Department. This unit had, by now, won for itself success on the field of battle and praise in the Northern press. Montgomery's knowledge of this development encouraged his visit with President

³ Ibid., December 26, 1862.

Lincoln. The President had made up his mind, but was unwilling, on December 26, to reveal to Montgomery his decision. Lincoln's first public endorsement of the use of Negro troops was six days later in his Emancipation Proclamation of January 1, 1863:

. . . And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

This announcement accounts more for Montgomery's eventual success in Washington than any aid from Stearns or Pomeroy.⁴

Another new arrival in Washington, D. C. was Major General David Hunter, Commander, Department of the South. This Department was created following the DuPont-Sherman expedition of November, 1861, which brought the Sea Islands under Union control and included the states of Georgia, Florida, and South Carolina. Hunter's command of this Department began March 31, 1862. Prior to Hunter's command, the Treasury Department organized the fugitive slaves at Port Royal, South Carolina to continue growing the long-staple cotton for the United States. A liberal Boston lawyer, Edward L. Pierce, charged with carrying out the operation used the situation to introduce the fugitives to formal educational experiences.⁵

The major military objective of the Department of the South was

⁴James Montgomery to George L. Stearns, December 26, 1862, Stearns Papers, Kansas State Historical Society; Thomas Wentworth Higginson, Army Life in A Black Regiment (Williamstown, Massachusetts: Corner House Publishers, 1870), pp. 2, 60.

⁵Willie Lee Rose, Rehearsal for Reconstruction: The Port Royal Experiment (New York: The Bobbs-Merrill Company, Inc., 1964), pp. 21-36.

Charleston, South Carolina, but the see-saw struggle between Washington, D. C., and Richmond, Virginia, by the Union forces drained manpower from the Charleston objective. To solve this problem, Hunter immediately began to arm and train the Negroes. In April, 1861, Hunter issued a partial emancipation proclamation:

All persons of color lately held to involuntary service by enemies of the United States at Fort Palaski and on Cockspure Island, Georgia, are hereby confiscated and declared free, in conformity with law, and shall hereafter receive the fruits of their own labor. Such of said persons of color as are able-bodied and may be required shall be employed in quartermasters department at the rates heretofore established by Brigadier General T. W. Sherman.⁶

By the middle of May, 1862, the ambitious Hunter had declared martial law and decreed that "persons in Georgia, Florida, and South Carolina heretofore held as slaves are therefore declared forever free."⁷ At the same time, he began rather harsh recruitment practices in the Sea Islands.

Before issuing his proclamation, Hunter had neither asked nor advised President Lincoln. The ever present press functioned as Lincoln's first source of information concerning his commander in the Department of the South. The Commander-in-Chief immediately revoked Hunter's proclamation and the "forever free" men once more became slaves. These abrasive acts by General Hunter brought the issue of the Negro soldier into the open and eventual resolution by Presidential proclamation. This controversy brought General Hunter to Washington

⁶ David Hunter, "General Orders No. 7," April 13, 1862, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 333.

⁷ Ibid., David Hunter, "General Order No. 11," May 9, 1862, p. 341.

where he renewed his friendship with James Montgomery, one of the few men in the United States that had experience putting into practice what Hunter wanted, the use of Negro soldiers on the field of battle.

Now that Lincoln had definitely made up his mind on these matters, Hunter prepared to return to South Carolina and resume his duties. Montgomery first became acquainted with the General shortly after Lincoln appointed him commander of the newly created Department of Kansas in November, 1861. Lane proposed the new Department of Kansas which included not only Kansas but the Indian Territory, Colorado, and Nebraska, and expected to become its commander. Lincoln had other plans and appointed David H. Hunter to command the new department headquartered at Fort Leavenworth. Needless to say, the two men did not remain friends, if they had ever been. After a major dispute between Lane and Hunter over command of a southern expedition which had to be resolved by President Lincoln, Hunter requested transfer to a more active command. He was later given command of the Department of the South. Acutely aware of these earlier conflicts between Lane and Hunter, Montgomery visited with Hunter concerning his desire to command a Negro unit. The two men were well matched. Hunter was eager to enlist the fugitive slaves into the Union cause and make the South feel the wrath of the black soldier. The Kansas jayhawker possessed the right experience to make Hunter's policy a reality. "He wants me to go South with him,"⁸ Montgomery reported to

⁸James Montgomery to George L. Stearns, December 26, 1862, Stearns Papers, Kansas State Historical Society.

Stearns, following the interview with Hunter.⁹

Who finally pulled the right political string is not known, but Montgomery was authorized by the War Department on January 13, 1863 "to raise, subject to the approval of the general commanding the Department of the South and under his direction, a regiment of South Carolina volunteer infantry to be recruited in that state, to serve for three years or during the war."¹⁰ Montgomery did not return to Kansas, but proceeded directly with General Hunter to Beaufort, South Carolina.

Even before Hunter left for Washington, the War Department took steps to give official sanction to the use of Negro soldiers in the Department of the South. On August 25, 1862, Brigadier General of Volunteers, Rufus Saxton, was authorized to raise the First South Carolina Volunteers from fugitives on the Sea Islands. This unit was assigned to Colonel Thomas Wentworth Higginson in November, 1862. By January 25, 1863, General Saxton was able to report to Stanton that the First Regiment of South Carolina Volunteers had been completed and "the experiment . . . a complete success." He concluded his optimistic report by informing the Secretary of War that "I have commenced the organization of the Second Regiment, which is to be commanded by

⁹H. R. Gamble to O. G. Gates, November 21, 1861, United States Department of War, Official Records, Ser. i, Vol. XVII, pt. 2, p. 92; Albert Castel, A Frontier State at War: Kansas, 1861-1865 (Ithaca: Cornell University Press, 1958), p. 77.

¹⁰Thomas M. Vincent to James Montgomery, January 13, 1863, United States Department of War, Official Records, Ser. iii, Vol. III, p. 14.

Colonel Montgomery."¹¹

On January 20, 1863, Montgomery accompanied General Hunter on his arrival at Beaufort where the General resumed his command of the Department of the South. Montgomery did not linger for he wanted to begin his search for Negro fugitives to fill the ranks of his new command. His orders read that the regiment was to be filled from the state of South Carolina, but this portion of the orders was quickly disregarded as similar recruitment orders had been ignored in other states.

The steamer, Cosmopolitan, provided Montgomery with a floating recruitment headquarters for the next two months. General Hunter ordered Colonel Thomas Morgan, the commander of Key West, Florida, to assist Montgomery by sending "every adult male Negro between the ages of fifteen and fifty, who is capable of bearing arms to be found within your command,"¹² aboard the Cosmopolitan. Even though Hunter was less reluctant than Montgomery to use the draft, the Colonel found upon his arrival at Key West that the "colored men [were] very intelligent; and that every man volunteered, the draft was unnecessary."¹³

¹¹Ibid., Rufus Saxton to Edwin M. Stanton, January 25, 1863, p. 20. An excellent study of the policy development and use of Negro soldiers is Dudley Taylor Cornish, The Sable Arm: Negro Troops in the Union Army, 1861-1865 (New York: Longmans, Green, and Co., 1965).

¹²David Hunter to Thomas Morgan, February 7, 1863, Montgomery Papers, Kansas State Historical Society.

¹³James Montgomery to Mrs. George L. Stearns, April 25, 1863, Stearns Papers, Kansas State Historical Society.

At Key West, Montgomery recruited 130 volunteers for his command. This was less than he had hoped, but better than he had experienced at Fernandina Island off northeastern Florida where he had stopped on his way to Key West. Here he had found that the able-bodied freemen had already been mustered into the First South Carolina. In early March, Montgomery returned to Beaufort.¹⁴

While Montgomery had been foraging for Negro soldiers, Colonel Higginson had been foraging for lumber with the First South Carolina up the St. Mary's River that divides Georgia and Florida. Higginson's expedition was more successful than Montgomery's. The next move ordered by Hunter involved a joint operation of an amphibious nature up the St. John's River to reoccupy Jacksonville, Florida, for the third, and not the last time by Union forces. Part of the reason for this expedition was to fill the empty ranks of Montgomery's regiment which consisted of less than one hundred fifty men. General Saxton reported to Stanton, "I have reliable information that there are large numbers of able-bodied negroes in that vicinity [Jacksonville] who are watching for an opportunity to join us." And, in his grandiose manner, concluded, "it is my opinion that the entire state of Florida can be rescued from the enemy, and an asylum established for persons from other states who are freed from bondage."¹⁵ Indeed,

¹⁴ Ibid.

¹⁵ Rufus Saxton to Edwin M. Stanton, March 6, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 423. The "reliable information" received by Saxton had been supplied by Harriet Tubman, an escaped slave who served as a spy for the Department of the South. Earl Conrad, Harriet Tubman (Washington, D. C.: The Associate Publishers, 1943), p. 168.

the major reason for substantial Confederate forces in Florida was to keep the slaves from escaping to the Sea Islands and joining the Union military establishment,¹⁶

The relatively small force of less than a thousand infantrymen proved adequate. Most of the Florida Confederate forces were engaged in a defense of Charleston. The reoccupation of Jacksonville compelled the few remaining Confederate posts in Northern Florida to concentrate their attention on the St. John's, which in turn allowed slaves to slip from their inland confinement.¹⁷

Colonel Higginson took charge of the expedition to capture Jacksonville. The men of the First and Second South Carolina Volunteers embarked upon the steamers John Adams, Boston, and Burnside. Saxton explained in his orders to Higginson the main objectives of the expedition:

. . . to carry the proclamation of freedom to the enslaved; to call all loyal men into the service of the United States; to occupy as much of the State of Florida as possible with the forces under [his] command; and to neglect no means consistent with the usage of civilized warfare to weaken, harass, and annoy those who are in rebellion against the Government of the United States.¹⁸

Higginson's preparations to carry out the letter of those orders exceeded Montgomery's. The First South Carolina had not only been well

¹⁶Thomas Wentworth Higginson, Army Life in A Black Regiment, pp. 62-96; Joseph Finegan to Thomas Jordan, March 14, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 227.

¹⁷Ibid.; James Montgomery to Mrs. George L. Stearns, April 25, 1863, Stearns Papers, Kansas State Historical Society.

¹⁸Rufus Saxton to Thomas W. Higginson, March 5, 1863, in Thomas Wentworth Higginson, Army Life in A Black Regiment, p. 99.

trained under Higginson's expert guidance, but had also seen action in the field. Montgomery's men were raw recruits. They had no more left the decks of the Cosmopolitan than they were ordered aboard the steamers now headed toward Jacksonville. Shortly after passing Fernandina, on the northern border of Florida, two navy gunboats, the Norwich and the Uncas, met Higginson's expedition at the mouth of the St. John's with orders to escort the troops to Jacksonville. The steamers stopped at this rendezvous point some twenty-four hours while waiting for the delayed army gunboat, John Adams. Montgomery took advantage of the delay and issued the first arms to his recruits and allowed them to "fire a few shots."¹⁹ With this brief training the first elements of the Second South Carolina continued toward their initial military engagement.

During the delay a few men got in some extra target practice at the expense of the great pelicans on the river. Higginson passed the time by going ashore to view the dismantled lighthouse which had earlier warned the passing ships of a formidable riverbar. Higginson considered the deliberately destroyed lighthouse "the most dreary symbol of the barbarism of war, when one considers the national beneficence which reared and kindled it."²⁰ A small detachment of Montgomery's men went shore on a foraging expedition and returned with a

¹⁹ James Montgomery to Mrs. George L. Stearns, April 25, 1863, Stearns Papers, Kansas State Historical Society.

²⁰ Thomas Wentworth Higginson, Army Life in A Black Regiment, p. 101.

large beef, poultry and vegetables.²¹

Escaping at high tide over the dangerous riverbar, the steamers, including the John Adams, inched their way up the St. John's. The heaviest gunboat, the Norwich, grounded just out of sight of Jacksonville, which left one naval and one army gunboat afloat. Higginson decided to risk leaving the Norwich behind and proceeded on to Jacksonville, reaching the quiet town several hours after daybreak, March 10. The expectation had been that the town would be found in flames as the Confederates withdrew, but it was soon apparent that the city was intact and practically abandoned. Not a shot was fired. The citizens and outlying military posts were caught completely off guard. Confederate Brigadier General Joseph Finegan, commander of the District of Florida, admitted that "Abolition troops," as he called them "occupied the town with so much celerity and secrecy as to have surrounded it with his pickets before the people generally were aware of his presence."²²

Higginson, aboard the John Adams, steamed to an upper pier and Montgomery, aboard the Burnside, to a lower one. Small howitzers were established on the wharves aimed toward the principal city streets. The town was theirs. Picket duty assignments immediately placed Montgomery's men on the railroad to the west of Jacksonville

²¹J. H. W., The New York Times, March 18, 1863, in Frank Moore (ed.) The Rebellion Record: A Diary of American Events (12 Vols., New York: D. Van Nostrand, 1864), Vol. VI, p. 445.

²²Joseph Finegan to Thomas Jordan, March 14, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 227; Thomas Wentworth Higginson, Army Life in A Black Regiment, pp. 103-104.

that linked the city with Savannah. Montgomery proceeded west along the tracks for a short distance and destroyed a small bridge to keep the Confederates from running troops into Jacksonville at night. He met some resistance, but the enemy kept out of his range.²³

The next day, General Finegan ordered an attack on Montgomery's most advanced pickets. At 9:00 a.m. a combined operation of cavalry and infantry consisting of two hundred men advanced on the city. The cavalry struck first, driving the Union pickets back into the town where they were reinforced by two companies of infantry, "drawn up in line of battle . . . [that] opened on us [Confederate cavalry] unexpectedly, firing alternately by platoons and by file, with some degree of regularity."²⁴ Finegan was somewhat surprised to see Negro troops so well disciplined. He would have been even more amazed had he known that these men had such limited experience. In fact, Montgomery's men began a retreat, which soon turned into a rout. Montgomery was not with his men at the time, but in a conversation with Higginson. He arrived at the scene in time to stop the unorganized retreat and led them back into the fight. The Confederate cavalry then retreated. The gunboats had begun to open fire and the Confederate infantry had not yet arrived to reinforce the cavalry.²⁵

The small Union forces exaggerated their size so well that they

²³Ibid., p. 105; James Montgomery to Mrs. George L. Stearns, April 25, 1863, Stearns Papers, Kansas State Historical Society.

²⁴Joseph Finegan to Thomas Jordan, March 14, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 227.

²⁵Ibid.; James Montgomery to Mrs. George L. Stearns, April 25, 1863, Stearns Papers, Kansas State Historical Society.

fooled General Finegan into believing their strength to be much greater than it was, because of their "formidable preparations." Even though the Union forces did not number much more than 1,100, the first Confederate estimates ran as high as 4,000. Finegan did, however, correctly judge their mission and next move which was "to hold the town at Jacksonville, then to advance up the St. John's in their gunboats . . . whence they may entice the slaves."²⁶ On the basis of these assumptions, General Finegan published a notice to the people of the state informing them of the intentions of the Union forces in the area. He carefully worded the notice in such a way that he believed only the white population would understand. The notice proclaimed that the "purpose of this movement is obvious, and need not be mentioned in direct terms."²⁷ Quite clearly, General Finegan feared that the slave population could easily be persuaded to join the Union forces. He seemed to understand his major mission to be one of establishing military posts inland at strategic points along the inland rivers in order to prevent contact of Union forces and slaves. He believed, however:

. . . that intercourse will immediately commence between negroes on the plantations and those in the enemy's service; that this intercourse will be conducted through swamps and under cover of the night, and cannot be prevented. A few weeks will suffice to corrupt the entire slave population of East Florida.²⁸

²⁶ Joseph Finegan to Thomas Jordan, March 14, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 228.

²⁷ Ibid., p. 229.

²⁸ Ibid., p. 228 and March 20, 1863, p. 838.

Montgomery and Higginson had been sent to reoccupy Jacksonville with the hope that this would result in returning Florida to the Union. But it was implicitly as important to enlist fugitive slaves in Montgomery's regiment. The Jacksonville expedition failed to achieve either objective. Not only were they confined to the river area, but Jacksonville contained few able-bodied Negroes. Clearly both Montgomery and Higginson must move further south, up the St. John's, where they believed the black men had been moved. In the next two weeks Montgomery made several upriver raids. The trips were called "rest" by those hard at work at Jacksonville digging trenches and building fortifications. Two of these outlying redoubts were named Fort Higginson and Fort Montgomery. The latter being well built under the direction of Captain Towbridge, an engineer in Higginson's regiment.²⁹

The "rest" gave Montgomery, the jayhawker, opportunity to use the talents he had acquired on the Kansas plains. At first the raids pushed only a short distance up the river. These were not productive of additional recruits, but did provide the military establishment at Jacksonville with fresh meat. Chickens arrived in abundance. "I remember," Higginson recounted, "being on the wharf, with some naval officers when he [Montgomery] came down from his first trip. The steamer seemed an antimated hen-coop."³⁰

Toward the end of the month, Montgomery's foraging trips took

²⁹Thomas Wentworth Higginson, Army Life in A Black Regiment, p. 115.

³⁰Ibid., p. 114.

him approximately seventy-five miles south to Orange Mill and Palatka, Florida. The 120 men of the Second South Carolina boarded the gunboat Paul Jones and steamed up the St. John's, reaching Palatka March 23. They fired four shells over the town, declared it abandoned, and steamed back down river a few miles, around a sharp bend, to Orange Mill on the eastern side of the river. While in Orange Mill the soldiers butchered a beef, several sheep, and took on board one Negro named John. With this meager haul the Paul Jones continued down stream to a point where the men transferred to the General Migs, a propeller, and returned to Orange Mill March 26. After about sixty of Montgomery's men landed with orders to march overland toward Palatka, the transports steamed on to the residence of Antonio Boza, located on the east bank across from Palatka, to await the foraging expedition.³¹

The land force foraged horses, food, and Negroes. They caught two Negroes at the Danny plantation, but discovered that most of the Negroes at other places had already been removed. There appeared reports that the black soldiers "abused and insulted the women [at the plantations] just as they pleased."³²

Captain J. J. Dickinson, Confederate Captain, Commander of Company H and Post at Palatka, upon receiving word of the approaching ship, had divided his ninety men into three detachments and placed

³¹Thomas T. Russell to Joseph Finegan, April 2, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, pp. 860-861.

³²Ibid., p. 861.

them in strategic positions to guard the town. They had just taken their positions when the General Migs docked on the opposite bank over a mile away.³³

While his men prepared their breakfast, the next morning Colonel Montgomery took the transport and about fifteen men across the river to Palatka. He believed the town to be deserted, but he had heard that a free Negro family lived there and decided to bring the parents and children out of the town. Captain J. J. Dickson with about fifty men, waiting for such a move, concealed themselves about one hundred yards from Teasdale and Ried's upper wharf where Montgomery and his men landed. Contrary to Montgomery's version of the landing at Palatka, Dickson "saw 30 or 40 men on the wharf, and at the same time the upper and lower deck of the boat crowded as thick as they could stand, . . ."³⁴ He estimated the force on board the craft to be from 600 to 700 strong. Dickson, however, had been informed by Thomas T. Russell, a civilian official of the town, that Montgomery had told him that his whole regiment was on board, "except for the 70 or 80 negroes landed on the east bank of the river."³⁵ This information was probably true, except Montgomery left the impression that he had a full regiment.³⁶

Montgomery's force, however large, met a barrage from the

³³Ibid., J. J. Dickson to Wilkinson Call, March 27, 1863, p. 237.

³⁴Ibid., p. 238.

³⁵Ibid.

³⁶James Montgomery to Mrs. George L. Stearns, April 25, 1863, Stearns Papers, Kansas State Historical Society.

the Confederates' concealed position. The Union force quickly retreated to the transport and the two light guns on board returned the fire from the shore. Even though Montgomery claimed that only Lieutenant Colonel Billings of the First South Carolina and his servant were wounded, the latter mortally, Captain Dickison believed he had "killed and wounded not less than from 20 to 30"³⁷ and that Montgomery appeared wounded. The General Migs steamed quickly to the opposite shore, ordered the forces left at that point to march back to Orange Mill and headed down the river. The skirmish at Palatka, Florida was over.³⁸

Foraging was not over. When Montgomery met his regiment at Orange Mill, they brought on board an assortment of items. A few Negroes had been persuaded to come on board. The black soldiers loaded the steamer with some horses, a large amount of provisions, and if Confederate reports are correct, furniture and personal items from the plantation houses between Palatka and Orange Mill. Colonel Higginson had fully expected to join Montgomery near Palatka March 30, but two days earlier received official orders from General Hunter to abandon Jacksonville. Higginson immediately sent word to Colonel Montgomery to return to Jacksonville. On his return trip, Montgomery stopped at Doctor's Lake, about fifteen miles south of Jacksonville, and made a twenty-five mile inland raid with about twenty-five men.

³⁷ J. J. Dickison to Wilkinson Call, March 27, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 238.

³⁸ Ibid.; James Montgomery to Mrs. George L. Stearns, April 25, 1863, Stearns Papers, Kansas State Historical Society.

It proved a profitable last minute forage for it produced the capture of Lieutenant O. F. Braddock along with fourteen of his men and their arms, 4,000 pounds of cotton, and a number of Negroes.³⁹

Lieutenant Braddock had received permission to cross to the east bank of the St. John's in order to bring back "wives and children of men in the service who were there destitute and exposed to the outrages of the negro troops of the enemy."⁴⁰ Confederate wagons met Braddock and his refugees on the west bank of the river. Montgomery encountered the party about this point and captured not only the troops, but two wagons, which he later burned, eight mules, later recovered by a force General Finegan sent in pursuit, and 4,000 pounds of cotton. The women and children were carried off by Montgomery, according to General Finegan. Evidence indicates, however, that Braddock's only human cargo from the eastern side of the river was slaves, which Montgomery did take aboard his steamer. General Finegan had no direct contact with Braddock, and, in fact, had ordered his arrest and a court-martial, when he could be located as he had escaped from Union hands by violating a parole of honor.⁴¹

While Montgomery foraged up the St. John's, regiments of white soldiers began to arrive at Jacksonville. The Sixth Connecticut under

³⁹J. J. Dickison to Wilkinson Call, March 27, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 239; James Montgomery to Mrs. George L. Stearns, April 25, 1863, Stearns Papers, Kansas State Historical Society.

⁴⁰Joseph Finegan to Thomas Jordan, March 31, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, pp. 235-236.

⁴¹Ibid.

Major Meeker arrived March 21, and the Eight Maine Infantry commanded by Colonel John D. Rust began to arrive two days later. This increased Higginson's command to four regiments, but his real concern was the mixture of whites and blacks in one command. Thankful for the reinforcements, which he believed would allow him to move up the river to join Montgomery, he greeted the white troops with mixed emotions. "I only wish they were black," he confided to his diary. "Now I have to show, not only that blacks can fight, but that they and white soldiers can act in harmony together."⁴²

When the Eighth Maine arrived in Jacksonville with only ten days supplies, Higginson knew a change was brewing. On March 27, he received orders to evacuate the town. This came as a surprise to both the naval and army commanders, but General Hunter needed the transports and gunboats for an assault near Charleston and he did not believe the black regiments alone could hold Jacksonville. For the third time Union forces prepared to abandon the city amid many complaints by both civilian and military personnel.⁴³

Montgomery's ordered return to Jacksonville convinced the Confederate forces that their resistance at Palatka had discouraged the black soldiers from launching further assaults in the area. When Montgomery's second South Carolina arrived in Jacksonville, the

⁴²Thomas Wentworth Higginson, Army Life in A Black Regiment, p. 117.

⁴³National Intelligencer, March 29, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, p. 483; Rufus Saxton to Edwin M. Stanton, April 4, 1863, United States Department of War, Official Records, Ser. iii, Vol. III, p. 117.

transports were being loaded. The one major problem involved the civilian population of Jacksonville and their property. The Confederate military command had been concerned about the safe conduct of Southern civilians out of Jacksonville when the Union forces took over the city. Higginson had issued a statement that they were free to leave, but relatively few left upon discovery that they were safe in the city under Union control. The sudden deportation of the Union forces now made the civilian population fearful they would be considered Union sympathizers so they requested permission to leave with the Union troops. Most of them in Jacksonville were accommodated but those up river "being assured of protection . . . rendered service, and so identified themselves with the Union cause as to outlaw them with the rebels, and are now abandoned to their tender mercies."⁴⁴

Higginson was willing to comply with their wishes, but the space on board was limited. They were allowed to bring their furniture and clothing but Higginson sorted out what he considered to be essential, and the rest was left behind. One observer believed Higginson to be unnecessarily harsh in clearing one deck for the black soldiers "and even the last mattress of one old lady with a family of three persons was thrown off and abandoned, and she was told she could 'sleep on the ground, as the soldiers do.'"⁴⁵ Higginson referred to the excess

⁴⁴Thomas Wentworth Higginson to A. H. McCormick, March 18, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 839; National Intelligencer, March 29, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, p. 484.

⁴⁵Ibid., p. 483.

baggage as "aged and valueless truper which always seizes upon the human race . . . in moments of danger."⁴⁶ Colonel Montgomery and Colonel Rust were credited with supplying more humanitarian treatment to civilians than Higginson.⁴⁷

As the loaded steamers left the piers, Jacksonville was partially in flames. No apparent reason for the fires was recorded other than vandalism. Some observers blamed the Confederates, some the Eighth Maine, others the Sixth Connecticut, but all agreed that the black regiments were blameless. The New York Tribune account brought the most discredit on the expedition when it reported, "the whole city, mansions, warehouses, trees, shrubbery, and orangegroves; all that refined taste and art through many years have made beautiful and attractive, are being lapped up and devoured by the howling blast."⁴⁸ The most destruction, the report continued, came to the homes of the Union men, whereas the mansions of the Confederates were left standing. But, as in other reports, the Tribune exonerated the black soldiers from any participation in the burning. The black regiments were stationed in the section of town where the brick mansions were located and the white soldiers were stationed in the area where Union property was most likely located, the wooden warehouse section near the river. Colonel Rust estimated that twenty-five buildings were fired, "a

⁴⁶ Thomas Wentworth Higginson, Army Life in A Black Regiment, p. 127.

⁴⁷ National Intelligencer, March 29, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, pp. 484-485.

⁴⁸ Ibid., New York Tribune, March 28, 1863.

portion of them undoubtedly by secessionists."⁴⁹

With the city in flames, the steamers Delaware, Boston, John Adams, and Convoy, and propellers General Migs, and Tilley, proceeded up the St. John's to arrive in Beaufort, South Carolina, April 1, 1863. Colonel Montgomery's part in the expedition set the pace for future raids up various rivers in the Sea Island area. "In Colonel Montgomery's hands these up-river raids reached the dignity of a fine art." Higginson recounted, "His conceptions of foraging were rather more Western and liberal than mine, and on these excursions he fully indemnified himself for any undue abstinence demanded of him when in camp."⁵⁰ The initial test of Montgomery's ability to use his western tactics in the Department of the South proved inconclusive. One thing was certain, the Florida slave owner reacted in much the same manner to Montgomery's jayhawking as did the Missouri slave owner. He became more determined and increased his efforts to prevent the loss of his slaves. In response, Montgomery further perfected the "fine art" of jayhawking in the Sea Islands by improving the instrument of that art, the black brigade. It not only provided the means for jayhawking, but the ends as well.

⁴⁹ John D. Rust to Charles G. Halpine, April 2, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 233.

⁵⁰ Thomas Wentworth Higginson, Army Life in A Black Regiment, p. 120.

CHAPTER VIII

DEPARTMENT OF THE SOUTH TO AUGUST 1864

Montgomery spent the months of April and May in the Beaufort area. Picket duty for the Second South Carolina gave Montgomery more opportunity to know his men. So far, the Union experiment with Negro troops was still being tested. Conducting an investigation for the Secretary of War, the Freedman's Inquiry Commission concluded that black refugees were not much different, under similar circumstances, from white. What differences they detected were often in favor of the Negro as a soldier. The committee observed the black regiments at Beaufort and surmised that "docility, earnestness, the instinct of obedience--these are qualities of the highest value in a soldier--and these are characteristics . . . of the colored refugee who enter our lines."¹ In visiting Montgomery's camp, the committee was impressed by "their neatness and care of their persons, uniforms, arms, and equipment, and in the police of their encampments." With the right leadership and equal pay, the committee concluded, "there will be no portion of the Army . . . more to be relied on than negro regiments."²

¹Robert Dale Owen, James McKaye, Samuel G. Howe to Edwin M. Stanton, June 30, 1863, United States Department of War, Official Records, Ser. iii, Vol. III, pp. 438-439.

²Ibid., p. 439.

Montgomery was already aware of these qualities. The daily reports of inspections that came into his hands only confirmed his beliefs. The Second South Carolina regiment was particularly noted in these reports as was the Fifty-Fourth Massachusetts which became a part of his command in June, 1863. Colonel Montgomery had learned to expect the same reactions from these soldiers which he might expect from white soldiers. In his recruitment efforts, he discovered it was just as difficult to get the Negro to enlist as the white. But to Montgomery this was to their credit as he believed

the Negroes reconciled their claim to humanity by shirking the draft in every possible way. Acting exactly like white men under similar circumstances: I conclude, they are undoubtedly human. The only difference that I notice is, the negro, after being drafted, does not desert [sic]: But once dressed in the uniform of a soldier, with arms in his hands, he feels himself to be a man; and acts like one I would say, then, that I put on them the full uniform of a soldier; nothing fantastic or in any respect differing from the uniform of other soldiers.³

One of the most persistent problems Montgomery had with his white troops in Kansas was their excessive drinking. Montgomery's prohibitionist scruples were seldom challenged by the black soldiers under his command. Observing the lack of drunkenness, the Freedman's Inquiry Commission explained that "the race [was] . . . not addicted to intemperance, or that they were here cut off from its temptation."⁴ If the black soldier did not match the white soldier in drunkenness,

³James Montgomery to Mrs. George L. Stearns, April 25, 1863, Montgomery Papers, Kansas State Historical Society; M. Blake to James Montgomery, August 30, 1863, and Officer of the Day reports dated September 1, 2, 4, 9, and 12, 1863, Montgomery Papers, Kansas State Historical Society.

⁴Robert Dale Owen, James McKaye, Samuel G. Howe to Edwin M. Stanton, June 30, 1863, United States Department of War, Official Records, Ser. iii, Vol. III, p. 436.

they held their own on payday in card playing and profanity in Montgomery's Brigade.⁵

Payday was a particular problem with the Negro soldier. The inequality of pay between the Negro soldier and the white soldier continued all during the Civil War. In both the North and the South, Union recruiters of Negro regiments promised equal pay. George L. Stearns and Colonel Robert G. Shaw, commander of the Fifty-Fourth volunteers, of Massachusetts and Colonel Montgomery and Colonel Higginson in South Carolina, had been told by either Stanton, Saxton, or Hunter that the pay allowance would be the same for each race. Montgomery was told by General Hunter, "that they would have the same pay as other soldiers--saying nothing about bounties."⁶ This promise Montgomery had extended to the first Negroes he enlisted at Key West in the early months of 1863. In spite of the promises, the law for pay applicable to Negro regiments was the Militia Act of July 17, 1862, Section 15. This Act provided "ten dollars per month and one ration, three dollars of which monthly pay may be in clothing."⁷ In practice, the Negroes were paid \$7.00 a month which took advantage of the clothing allowance. At the same time the white soldier was receiving \$13.00 a month, or nearly twice as much as the Negro, plus a bounty of

⁵M. Blake to James Montgomery, August 30, 1863, Montgomery Papers, Kansas State Historical Society.

⁶James Montgomery to Henry S. Wilson, January 22, 1864, Montgomery Papers, Kansas State Historical Society.

⁷George P. Sanger (ed.), The Statutes at Large, Treaties and Proclamations of the United States of America from December 1863 to December 1865 (Boston: Little Brown & Co., 1866), Vol. XII, p. 377.

\$100.00 for each enlistment.

After the Fifty-Fourth Massachusetts became attached to the Department of the South, the black regiment refused to accept pay that was not equal to the white regiments. The Fifty-Fourth went without pay from July 2, 1863, to August 30, 1864, a period of fourteen months. When they were finally paid on an equal basis, it took \$170,000.00, but then were not paid again for another six months. Captain Luis F. Emilio of the Fifty-Fourth, critical of Montgomery's military tactics, claimed that the Kansan made "a remarkable and characteristic address" to the soldiers of his brigade in September 1863 when they refused to accept their unequal pay from the paymaster. "Men," Montgomery began,

The paymaster is here to pay you. You must take notice that the Government has virtually paid you a thousand dollars apiece for setting you free. Nor should you expect to be placed on the same footing with white men. Any one listening to your shouting and singing can see how grotesquely ignorant you are. I was the first person in the country to employ nigger soldiers in the United States Army. I was out in Kansas. I was short of men. I had a lot of niggers and a lot of mules; and you know a nigger and a mule go very well together. I therefore enlisted the niggers, and made teamsters of them. In refusing to take the pay offered you, and what you are only legally entitled to, you are guilty of insubordination and mutiny, and can be tried and shot by court-martial.⁸

These remarks, if true, would indicate that Montgomery was unaware that his words insulted the men in the ranks. If true, the reported speech certainly was "remarkable," but not "characteristic." Four months later, Montgomery joined a campaign, led by men like Governor

⁸ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865 (Boston: The Boston Book Company, 1891), pp. 130, 147-148, 220, 228.

John A. Andrew of Massachusetts and Horace Greeley of the New York Tribune, to persuade Congress to enact legislation that would equalize the pay for the Negro soldier. The original bill for that purpose was not retroactive and Montgomery urged Senator Henry Wilson, of Massachusetts, Chairman of the Military Committee, to so amend the Bill. Montgomery's reasons exemplify the ultimate persuasions that aided passage of the corrective legislation. "The troops under my command," Montgomery wrote Senator Wilson, "have been second to none in efficiency: while their loyalty and fidelity might put to the blush some who boast of white skins."⁹ The view from the rugged battle line was more persuasive than the comfortable chair of the Senate chamber and Montgomery tried to capture a glimpse with the pen for Wilson.

Could Honorable Senators have seen as I have seen them; toiling in the trenches before 'Wagner,' mounting guns, digging, carrying shot and shells for weeks and weeks together; and this under a storm of shot and bursting shells, I know they could not, and would not withhold so simple an act of justice. What I ask is not liberality, but simply justice.¹⁰

In November 1863, the Massachusetts Legislature enacted legislation to make up the difference in pay for their Negro regiments. The principle was stronger than the money and the regiments refused to accept the generous offer. By March 1864, Senator Wilson had pushed through a new bill in the Senate that would equalize the pay, but the House rejected the measure. Finally, after many debates, a compromise

⁹ James Montgomery to Henry Wilson, January 22, 1864, Montgomery Papers, Kansas State Historical Society.

¹⁰ Ibid.

was agreed upon and, in June, legislation passed which equalized pay for those Negro soldiers that were free as of April 19, 1861. Commanders in the field were to obtain a signed oath from each man indicating his qualification for the pay. No stipulated oath was required but the one used in the Department of the South was "You do solemnly swear that you owed no man unrequited labor on or before the 19th day of April 1861. So help you God."¹¹ This "Quaker Oath," as it was called, was interpreted as liberally as its wording. "Some of our men were held as slaves April 19, 1861," Captain Emilio confessed, "but they took the oath as freemen, by God's law, if not by their country's."¹² Another two months passed before the Negro troops were paid under the new legislation. August 30, 1864, the paymaster delivered to the Negro soldiers not only badly needed money, but a principle as well.

This legislation may have resolved the problem for many of the men of the black regiments but others who could not, by any stretch of the imagination, take the oath, continued to be paid at the lower rate. This was particularly true of men in Colonel Higginson's and Colonel Montgomery's regiments, the First and Second South Carolina Volunteers. It was not until March 3, 1865, that Section 5 of the Enrollment Act finally corrected the pay injustice, but by then the shadow of Appomattox lay across the land.¹³

¹¹Luis F. Emilio, History of the Fifty-Fourth Regiment Of Massachusetts Volunteer Infantry, 1863-1865, p. 220.

¹²Ibid., p. 221.

¹³United States Statutes at Large, Vol. XIII, p. 488.

The relatively quiet picket duty at Beaufort was interrupted by preparations for a series of raids up coastal rivers. The first of these raids was to be led by Colonel Montgomery, "as the initial step of a system of operations which," General Hunter explained to Governor Andrew:

. . . will rapidly compel the rebels either to lay down their arms and sue for restoration to the Union or to withdraw their slaves into the interior thus leaving desolate the most fertile and productive of their counties along the Atlantic seaboard.¹⁴

Only two months earlier, Hunter had received a letter from President Lincoln praising him for his abortive operation in Jacksonville with the black regiments. Lincoln warned Hunter that "the enemy will make extra efforts to destroy them; and we should do the same to preserve and increase them."¹⁵

The raids had two major purposes: to demoralize the enemy, and to

¹⁴David Hunter to John Andrew, June 3, 1863, United States Department of War, Official Records, Ser. I, Vol. XIV, p. 463. There is some indication of an earlier raid by Montgomery up the Asheppo River in South Carolina in early May 1863. In Moore, Rebellion Record, Vol. VI, p. 70, dated May 3, 1863, a description is given of a raid up the Combahee River in which Montgomery "destroyed the town of Asheppo by fire." Other than this, the article describes the events of June 3, 1863 when Montgomery made a raid up the Combahee. Also in Elizabeth Hyde Botume, First Days Among the Contrabands, while she is teaching refugees at "Montgomery Hill" near Beaufort she describes a raid by Montgomery up the Asheppo River in May 1863 and reports Montgomery brought back 300 slaves from the raid. She also describes the later Combahee River raid. There is no information in the Official Records concerning the May Asheppo River raid.

¹⁵Abraham Lincoln to David Hunter, April 1, 1863, Roy P. Balser (ed.), The Collected Works of Abraham Lincoln (8 vols., New Brunswick, New Jersey: Rutgers University Press, 1953), p. 126.

bring out the slaves. Intelligence reports indicated that the Combahee River would provide the ideal artery for such a purpose. The river was first explored by the Spanish explorer Vasque de Ayllon in 1520 and named, most appropriately for the purposes of Montgomery, the River Jordan. Although the official records make no mention of the fact, the real "Moses" of this expedition was Harriet Tubman. Her exploits of leading the slaves from bondage on the underground railroad are better known than her activities as a spy for the Department of the South and her raids with Montgomery's regiment.

Word of the raid became known to the Confederate posts on the Combahee River several days prior to the advance by Montgomery. Captain James Lowndes, stationed at the Confederate headquarters at McPhersonville, South Carolina, near the Combahee River, read in the New York Tribune that an expedition under Colonel James Montgomery was being organized, "different in many respects from any heretofore projected." Lowndes immediately sent out a circular warning all the nearby military posts along the river.¹⁶

The advance knowledge did not aid the Confederates. The raid was a masterful operation based on precise information about the geography of the area, the strength of the Confederate military posts, location of torpedoes in the river, and cooperation of the resident black population. The raid was planned and executed by Harriet Tubman. Both Montgomery and Higginson had known the militant escaped slave for some time. Montgomery undoubtedly met her at an anti-slavery conven-

¹⁶James Lowndes, Circular, May 29, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 307.

tion in New York or Boston in 1860. In a letter of introduction to Brigadier General Quincy A. Gillmore, who had replaced General Hunter as commander of the Department of the South, Montgomery characterized Harriet Tubman as a "most remarkable woman and invaluable as a scout. I have been acquainted with her character and actions for several years."¹⁷

Montgomery's arrival in the Department of the South coincided with the beginning of Harriet Tubman's activities as a scout and spy for the Department. She had been in Beaufort for some time, serving primarily as a nurse. By the time of the Combahee raid, she had nine scouts and river pilots under her command "under direction and orders of Edwin M. Stanton, Secretary of War."¹⁸ Officially, Montgomery took the credit for the planning of the guerrilla raid, but the successful execution of the unique Combahee operation belonged to Harriet Tubman.

General Hunter first approached Harriet Tubman to see if she would go up the Combahee River with several gunboats to take up torpedoes, destroy the railroad, and destroy bridges in order to cut off supplies, presumably, to Charleston, South Carolina. She expressed her willingness, if Colonel Montgomery was appointed to the command. She had admired no one more than John Brown and at one time became involved

¹⁷ James Montgomery to Quincy A. Gillmore, July 6, 1863, in Sarah Bradford, Harriet Tubman, the Moses of Her People (Reprint, New York: Noble Offset Printers Incorporated, 1960), p. 138.

¹⁸ In a general affidavit made out by Tubman on January 1, 1898, attesting to the truth of the Charles P. Wood history. The affidavit is on file with the Charles P. Wood manuscript filed under Pension Certificate Number 415,288, House of Representatives in the name of Nelson Davis, the husband of Harriet.

in the plans for his raid on Harper's Ferry. Montgomery came close to the admiration she held for Brown and thus she wanted him in command.¹⁹

On June 2, 1863, with the stars as a guide, Montgomery proceeded toward the Combahee River on the steamers John Adams and Harriet A. Weed. The steamers carried a detachment of 300 men from the Second South Carolina Volunteers and a section of the Third Rhode Island battery, commanded by Captain C. R. Brayton. There was a short delay at St. Helena Sound as one of the steamers ran aground and a transfer of men had to be made. By 2 a.m., under the light of a bright moon, three steamers entered the mouth of the Combahee. Twenty-five miles up the river at Fields Point, Captain Thompson and his men disembarked. The Confederate pickets quickly abandoned the area but sent word by couriers to Major Emanuel's headquarters at Green Pond, on the Charleston and Savannah Railroad between the Combahee and Ashepoo Rivers. One steamer, with Captain Carver's company on board, stopped at Tar Bluff, two miles above Fields Point. Carver met no resistance and immediately occupied the area. The two remaining steamers proceeded two more miles to Nichol's Plantation where the Harriet Weed was left behind and Montgomery proceeded on to Combahee Ferry. Just prior to reaching this point the John Adams maneuvered, much to the amazement and disappointment of the Confederates, around the hidden torpedoes with ease. The pontoon bridge across the river at this point was set on fire, "but not badly," one Confederate picket reported, and "we

¹⁹ Sarah Bradford, Harriet Tubman, The Moses of Her People (Reprint, New York: Noble Offset Printers Incorporated, 1960), p. 101.

turned back and put it out."²⁰

Montgomery attempted to go further up the river to the Charleston and Savannah Railroad crossing, but an obstruction in the river prevented passage. In the meantime, Montgomery had sent one detachment of soldiers under Captain Hoyt up one bank of the river "for the purpose of destroying property and confiscating negroes."²¹ They destroyed William C. Haywood's plantation, including the mansion house, his rice mills, storehouses, and cotton warehouse, "all large and well filled."²² While Captain Hoyt worked one side of the river, Captain Brayton was busy on the other carrying out a similar task. As the soldiers from both sides of the river returned to the banks to await the John Adams' return down stream they were fired upon, but were shortly picked up by Montgomery. In all, four large plantations fell victim to the torch, six rice mills, numerous out-buildings containing rice, corn and cotton and acres of growing crops were destroyed by burning or breaking open the sluice-gates. A library valued at fifteen thousand dollars was destroyed at the Nichols' plantation and several valuable horses from the Haywood stables were taken on

²⁰ John F. Lay to Thomas Jordan, June 24, 1863 [Inclosure E.] "Statement of William C. Heyward respecting the Combahee raid," United States Department of War, Official Records, Ser. i, Vol. XIV, p. 301; James Montgomery to David Hunter, June 8, 1863, in Frank Moore (ed.) The Rebellion Record: A Diary of American Events, Vol. VII, p. 1.

²¹ Ibid., Philadelphia Inquirer, June 6, 1863.

²² Ibid.

board the steamers.²³

Harriet Tubman's top priority was liberating the slaves. She only regreted the shortage of transportation. From all indications the "shores were lined with slaves of all sizes, ages, and descriptions, who rushed down to the banks, hailing our troops with delight, and praying to be taken aboard." But the reporter for the Philadelphia Inquirer informed his readers, "The transports . . . could only accommodate about seven hundred of them."²⁴ Witnessing the emotion-packed scene, the newspaper man wrote that

This was the saddest sight of the whole expedition--so many souls within the sight of freedom and yet unable to attain it. But the transports were filled to their utmost capacity; they looked more like slavers than the harbingers of liberty; and as they turned away from the river-bank, and started homeward bound, moist eyes were on those decks, for they saw in the distance those whom a cruel fate had left behind. The song of liberty floated upon the river, but the wail of despair went up from the dismal shore.²⁵

When the black refugees rushed on board the steamers, Harriet Tubman observed that "one woman brought two pigs, a white and a black one; we took them all on board; named the white pig Beauregard . . . and the black pig, Jeff Davis . . ." ²⁶ Singing burst out on board

²³Ibid.; John F. Lay to Thomas Jordan, June 24, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 306; Surgeon Robinson, "A Raid Among the Rice Plantation," Harpers Weekly: The Journal of Civilization, July 4, 1863, Vol. VII, No. 340, p. 427.

²⁴Philadelphia Inquirer June 6, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, Vol. VII, p. 2.

²⁵Ibid.

²⁶Sarah Hopkins Bradford, Scenes in the Life of Harriet Tubman (Auburn, N. Y.: J. W. Moses, 1896), pp. 39-40.

the steamers and along the banks. After the ships were loaded to capacity, many black refugees clung to the sides. Unable to move the ship without danger to the excess passengers, Montgomery shouted from the upper deck of the John Adams, "Moses, you'll have to give them a song." Harriet Tubman got the message and led them to sing:

Of all the whole creation in the East or in the West;
The glorious yankee nation is the greatest and the best.
Come along! Come along! Don't be alarmed,
Uncle Sam is rich enough to give you all a farm.²⁷

In the enthusiasm of the moment, the singers, clinging to the side of the steamer, threw up their hands and shouted "Glory!" at the end of the verse. At that moment Montgomery ordered the steamer to shove off.

Far from enjoying the singing, the Confederates complained about their complete ineffectiveness in stopping or even slowing down the raiding party. In a matter of hours the Union forces had achieved their twin goals of demoralizing the enemy and carrying off their slaves. Investigating the "Abolition raid," Captain John F. Lay confessed that Montgomery's men "seemed to have been well posted as to the character and capacity of our troops and their small chance of encountering opposition, and . . . have been well guided by persons thoroughly acquainted with the river and the country. Their success was complete . . ." As to the lack of success on the part of the Confederate pickets, Lay concluded that "there seems to have been confusion of counsel, indecision, and great tardiness of movement, and entire want of vigorous enterprise, without which, while they followed

²⁷ Sarah Hopkins Bradford, Harriet Tubman, the Moses of Her People (New York: J. J. Little & Co., 1901), pp. 101-102.

after the movements of the enemy, they neither opposed nor disturbed them in their work of wicked destruction . . . [and the] pickets were neither watchful nor brave" ²⁸

Montgomery's raiding party continued toward the mouth of the Combahee, picking up Captain Carver at Tar Bluff and Captain Thompson at Fields Point. With obvious pride, Montgomery telegraphed General Hunter of the success of the raid. In spite of his complaint of not enough transports for the complete liberation of the slaves, the reporter for the Philadelphia Inquirer recognized the achievements of the raid:

This expedition reflects great credit upon Col. Montgomery and the men of his command. He has destroyed property of the enemy estimated at a million of dollars, proved himself a capable commander, and that the negro troops can be made efficient soldiers. He has also provided his regiment with two additional companies, deprived the rebels of seven hundred and twenty-seven negroes, and accomplished the most successful raid in this department. ²⁹

Recognizing the need for secrecy, the Philadelphia Inquirer gave no indication of Harriet Tubman's involvement in the mission. However, Franklin B. Sanborn, editor of the Boston newspaper, the Commonwealth did not keep the secret as closely guarded. An article published by the abolitionist and long-time friend of both Tubman and Montgomery described the events of the raid and a speech made by Colonel Mont-

²⁸ John F. Lay to Thomas Jordan, June 24, 1863, Official Records, Ser. i, Vol. XIV, p. 304.

²⁹ Philadelphia Inquirer, article dated June 6, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, Vol. VII, p. 2; James Montgomery to David Hunter, June 8, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, Vol. VII, p. 1.

gomery in Beaufort a few days after the raid. Harriet Tubman was mentioned indirectly as "the black woman, who led the raid and under whose inspiration it was originated and conducted."³⁰ In all reports, Union and Confederate, the raid was labeled a success even though the accounts varied as to its true leadership. General Hunter was impressed enough to write Secretary of War Stanton that "Colonel Montgomery with his forces will repeat his incursions as rapidly as possible in different directions, injuring the enemy all he can and carrying away their slaves, thus rapidly filling up the South Carolina regiments in the department, of which there are now four."³¹

In the next sentence to Stanton, General Hunter informed him that the Fifty-Fourth Regiment Massachusetts Volunteers, under the command of Colonel Shaw, had just arrived and that this new Negro regiment "will soon have abundant and very important employment . . ."³² The Fifty-Fourth Massachusetts was immediately brigaded under Montgomery's command for a surprise raid on the historic town of Darien, Georgia.

The same day that Colonel Montgomery arrived at Beaufort with the Combahee refugees, Colonel Shaw disembarked his regiment of free Northern Negroes from the DeMolay. Bands played as the newly liberated slaves marched down the dusty streets where they were greeted by those who had already experienced passing from slavery to freedom. A speech

³⁰ Boston Commonwealth, July 10, 1863, Vol. I, No. 45.

³¹ David Hunter to Edwin M. Stanton, June 3, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, p. 463.

³² Ibid.

by Montgomery brought a response in song from the people, "There is a white robe for thee." Harriet Tubman also welcomed the newcomers to their new home. That evening a large regimental flag designed by a Norwich, North Carolina woman, was presented to the Second South Carolina Volunteers. The occasion gave rise to patriotic speeches of a revolutionary tone. General Saxton expressed his belief that the future held great hope for the black people who carried the nation's flag "hallowed by the blood of her bravest and her best, waving at the head of a regiment of South Carolina freemen,"³³ Accepting the flag for his men, Colonel Montgomery explained that the banner "means you have a country and a home." The national emblem also meant that they had rights which would be protected, including, most importantly, the fact that they were "as free as the winds of Heaven that now kiss these ample folds." But, the Colonel carefully reminded them, rights were supported by obligations and "all depends upon your courage, your obedience to orders, and your constancy in the work of crushing the rebellion." Knowing the most fervent hope that the black people equated with freedom, Montgomery promised, "The ground over which you march, the fields on which you fight are to be your own."³⁴

Following the celebrations the hard task of providing food, shelter, clothing, education, and a place to work for the new citizens of Beaufort began. Their quarters, for the first few days, were in the churches at Beaufort. But later, at Old Fort plantation, a refugee

³³Beaufort Free South, June 6, 1863.

³⁴Ibid.; Boston Commonwealth, July 10, 1863, Vol. I, No. 45.

camp named after their benefactor, Montgomery Hill, was hastily built. This crude camp consisted of "a row of a dozen or more buildings, which resembled huge wooden boxes."³⁵ Somewhat smaller than the former slave cabins, these buildings consisted of four compartments each containing a family of from five to fifteen. Each compartment had a fireplace, an opening with a board shutter for a window, and bunk beds across one wall. Even though the structures were crude, "the whiteness and cleanliness of table . . . and the number and variety of articles of wearing apparel hanging on a crosspiece in front of the 'bunks' indicated the . . . social status of the owner."³⁶

Montgomery did not remain in Beaufort for any longer than it took him to get reorganized and gather supplies. Frederica, Georgia, located on St. Simon's Island near the mouth of the Altamaha River, became the new headquarters for Montgomery's brigade. The 900 men of the Fifty-Fourth Massachusetts, commanded by Colonel Shaw, followed Montgomery to St. Simon to become a part of his brigade. The free Negroes of the Fifty-Fourth had been recruited ostensibly in Massachusetts, but George L. Stearns had established an elaborate recruitment network that stretched to the plains of Kansas. The regiment consisted not only of those born free, but also of others who had been freed by purchase or other legal means and those who had escaped to the North by way of the Underground Railroad.

The mixture of the Combahee refugee and the Bay State volunteer

³⁵Elizabeth Hyde Botume, First Days Amongst the Counterbands (Boston: Lee and Shepard, 1893), p. 50.

³⁶Ibid., 51.

did not present a serious problem. The real conflict came between the white officers of the East, schooled in the gentlemanly art of war, and white officers of the West who had been practicing the Old Testament patriarchal law of "an eye for an eye" on the Kansas-Missouri border. General Hunter believed the western guerrilla tactics would lead to a quick Southern capitulation. Hunter wanted raids. Montgomery delivered.

A railroad bridge near Brunswick, Georgia on the Turtle River was the target. On June 6, Montgomery with five companies of the Second South Carolina destroyed a railroad bridge over Buffalo Creek. On June 9, Colonel Montgomery welcomed the arrival of Colonel Shaw and the Fifty-Fourth Massachusetts to St. Simon's Island. No sooner than the Fifty-Fourth had established a camp and stored their supplies, they heard the "long roll" on the drum. This meant that a real fight was at hand. The men of the Fifty-Fourth had heard much about the Kansas Colonel and were eager to become a part of the action. Captain of Company K, Fifty-Fourth Regiment, Luis F. Emilio described Montgomery as "a man of austere bearing, cool, deliberate, and of proven courage."³⁷ Colonel Shaw received his first orders from Montgomery on June 10 when a steamer pulled up to the wharf and hailed the Colonel. Montgomery called out: "How soon can you be ready to start on an expedition?" Colonel Shaw, as eager as his men, replied, "In half an hour."³⁸ The informal agreement marked the beginning of a regretful

³⁷ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, p. 40.

³⁸ Ibid.

experience for Colonel Shaw. An order for the long roll was given and the hurried preparations for the raid on Darien, Georgia got underway.

The Fifty-Fourth Massachusetts aboard the Sentinel joined with the John Adams, originally the East Boston ferry boat, now flagship for the expedition. Five companies of the Second South Carolina and a section of the Rhode Island light artillery commanded by Lieutenant William A. Sabin were on board the John Adams and the Harriet A. Weed. The gunboat Paul Jones, with its two eleven-inch, three pivot, and three side guns, made the expedition quite a formidable one. The plan for the raid was similar to the successful Combahee raid. However, the Harriet Tubman touch was not in evidence on this expedition. The raiding party did not reach the Altamaha Sound before the Sentinel and the John Adams were lodged on sandbars. The steamers, now delayed, lost the advantage of darkness, arriving at the mouth of the Altamaha River a little after sunrise. The element of surprise gone, the gunboats shelled the houses and woods along the bank of the river until the expedition reached the town of Darien. The raiders aimed the guns at the city and fired to search out any defenses in the town. Since the peaceful town was deserted, the plan to continue up the river to Fort Barrington was useless. The situation seemed hopeless to one news reporter because the steamers had

grounded several times in going up the Altamaha, and altogether consumed so much time that the rebels had leisure to spread the news all over Georgia. They made their preparations accordingly, deserting all the plantations near the river, and judging from the

smoke, burning many a rice-mill and store-house further in the interior.³⁹

Most of the 2,000 inhabitants of Darien had left taking everything they could carry with them. When the steamers docked at the wharf, "the few 'crackers' and paupers remaining in the place ran frightened and terror-stricken in every direction, and," the special correspondent for the New York Tribune reported, "when Colonel Montgomery landed his troops he found not a single armed inhabitant to dispute his right."⁴⁰ Almost immediately, Montgomery gave orders to secure from the seventy-five to one-hundred houses in Darien anything of value that might be useful for the brigade. Under legitimate orders the plunder began. The soldiers carried on board the steamers articles of every description, including:

sofas, tables, pianos, chairs, mirrors, carpets, beds, bedsteads, carpenter tools, cooper tools, books, law books, account books in unlimited supply, china sets, tinware, earthenware, Confederate shiplaster, old letters, papers, etc. A private would come along with a slate, yard-stick and in the other a rope with a cow attached.⁴¹

In addition to household property taken on board, "an immense pile of lumber lay on the wharf, and men were detailed to load it on

³⁹The New York Tribune, June 16, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, Vol. VII, pp. 296-297; Ibid., "The Invasion of Georgia. Colonel Montgomery's Expedition," p. 295; Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, p. 41.

⁴⁰"Colonel Montgomery's Expedition," New York Tribune, June 24, 1863.

⁴¹Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, p. 42.

the boats. Drovers of sheep and cows were . . . put aboard. Along the shore were large warehouses of rice and rosin--what rosin we could, we put aboard."⁴² One of the steamers, the Harriet A. Weed, proceeded upstream about four miles and captured the schooner, Pet, loaded with fifty-five bales of cotton for Nassau and a flatboat with twenty-five bales of cotton.⁴³

Montgomery was well pleased with the foraging, but he believed that the "Southerners must be made to feel that this was a real war, and that they were to be swept away by the hand of God like the Jews of old."⁴⁴ With this strong conviction in mind, Montgomery told Colonel Shaw, "I shall burn this town." Colonel Shaw did not like "being the instrument of the Lord's vengeance," but Montgomery informed him that they were "outlawed, and therefore not bound by the rules of regular warfare."⁴⁵ Taking full responsibility for the action, Montgomery gave orders to set fire to the houses. The Tribune reported "not a single tenantable habitation remained,"⁴⁶ but other sources indicate that a Negro Methodist church, a few houses, a free Negro's cabin, and a northern owned steam lumber mill of Collins and Shine,

⁴²"A National Account," article dated June 16, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, Vol. VII, p. 297.

⁴³Ibid.; Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, p. 43.

⁴⁴Ibid., p. 42; "The Burning of Darien, Georgia," Harpers Weekly: A Journal of Civilization, September 3, 1863, Vol. XIV, No. 714, p. 563.

⁴⁵Ibid.

⁴⁶"Colonel Montgomery's Expedition," New York Tribune, June 24, 1863.

were left standing. Lost in the fire were the courthouse filled with records, the Episcopal Church, and the academy. In the last section of the town to be set afire, a warehouse containing rosin exploded into flames at the hands of Colonel Montgomery as the steamers quickly pulled away from the flaming inferno. The small fleet anchored a few miles downstream and the raiders watched the flames consume the town. The destruction created immediate and considerable reaction.⁴⁷

On board the departing steamers, the Fifty-Fourth Massachusetts watched the devastating spectacle. One of their members wrote, "It was a beautiful town, and never did it look so beautiful as in its destruction."⁴⁸ The observer had mixed emotions about the destruction of Darien and believed as did others that

had we had a hard fight to gain the place, or had we taken a thousand slaves by its destruction, we would have had no compunctions. And I suppose we should have none any way. The South must be conquered inch by inch, and what we can't put a force in to hold, ought to be destroyed. If we must burn the South out, so be it We pray God that the next town we burn we may first have to fight to get it.⁴⁹

Colonel Shaw continued his objections to Montgomery's tactics by more direct action. Two days after Shaw had informed Governor Andrew of Massachusetts of Montgomery's decision to "burn this town,"

⁴⁷ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, pp. 42-43; Savannah Republican, quoted in Southern Watchman, Athens, Georgia, July 8, 1863.

⁴⁸ "A National Account," dated June 16, 1863, in Frank Moore (ed.), The Rebellion Record: A Diary of American Events, Vol. VII, p. 296.

⁴⁹ Ibid.

he wrote to the Governor again. Shaw said he was disgusted at the action for he could see no reason for it, especially since the town contained only "old men, women, and children."⁵⁰ Colonel Shaw had another reason for his complaint about Montgomery. Not only was he at odds with the jayhawker over his methods of warfare, but he also believed that the reputation of the black troops was in danger.⁵¹ Shaw informed the Governor that if Montgomery did not have "orders from headquarters to lay the country in ruins I am determined to refuse to obey his orders in that respect."⁵² On the same day Colonel Shaw wrote Lieutenant Colonel Charles G. Halpin, Hunter's Adjutant General, and bluntly asked, "Has Colonel Montgomery orders from General Hunter to burn and destroy all towns and dwelling houses he may capture?"⁵³ Shaw was willing to obey legal orders, but feared that he was "only assisting Colonel Montgomery in a private enterprise of his own."⁵⁴ Colonel Shaw believed that Montgomery was only seeking revenge resulting from the earlier Kansas-Missouri border warfare. Meeting Montgomery a few days later on Hilton Head Island, Colonel Shaw was satisfied by Montgomery's explanation that he was under orders from General Hunter.

⁵⁰ "The Burning of Darien, Georgia," Harpers Weekly: A Journal of Civilization, September 3, 1863, Vol. XIV, No. 714, p. 563; Ibid., Robert G. Shaw to John A. Andrew, June 14, 1863.

⁵¹ Ibid., June 12, 1863.

⁵² Ibid., June 14, 1863.

⁵³ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 43, Robert G. Shaw to Charles G. Halpin, June 14, 1863, p. 44.

⁵⁴ Ibid.

Montgomery also told him that he "was at first very much opposed to it himself but finally changed his mind."⁵⁵

Colonel Thomas Wentworth Higginson also detested and condemned Montgomery's "brigand practices" for he feared for the reputation of his own regiment. "I will have none but civilized warfare in my regiment, but the public may not discriminate."⁵⁶ Higginson's views of Montgomery had changed considerably since the Kansas days, only three years ago.

Montgomery has been a sore disappointment to me and to General Saxton, with whom he is at sword's point; I did not desire to be brigaded with him, because he would chafe so much at being under me and I should have such hard work to coerce him into my notions of civilized warfare. He had one of his men shot without trial for desertion the other day, and was about to shoot two others when Dr. Roger's wonderful power of influence made him change his plans. Yet he is not a harsh or cruel man, but a singular mixture of fanaticism, vanity, and genius.⁵⁷

There was talk in the department of the possibility that Montgomery might be promoted to Brigadier General in charge of all Negro troops in the Department of the South. Higginson, for one, did not want this to happen.

The debate over the proper use of Negro troops continued to widen. Two days apart Senator Charles Sumner of Massachusetts received letters

⁵⁵ Robert G. Shaw to John A. Andrew, June 22, 1863, quoted in "The Burning of Darien, Georgia," Harpers Weekly: A Journal of Civilization, September 3, 1863, Vol. XIV, No. 714, p. 563.

⁵⁶ Mary Thacher Higginson (ed.), Letters and Journals of Thomas Wentworth Higginson, 1846-1906 (Boston: Houghton Mifflin Company, 1921), p. 207.

⁵⁷ *Ibid.*, p. 209.

from Edward Pierce and Thomas W. Higginson. Pierce told Sumner that Shaw and Higginson could not work with Montgomery for they feared that the Kansan would "bring dishonor" on the Negro troops. Higginson informed Sumner that Montgomery's tactics "demoralizes the soldiers-- and must produce a reaction against arming the Negroes."⁵⁸ Even the northern press picked up the issue and, in spite of their earlier praise for Montgomery's raids, were now more critical of the burning and plundering with black regiments.⁵⁹

On June 9, two days prior to the raid on Darien, General Hunter had sent Montgomery a copy of General Orders No. 100, of the War Department "Instructions for the government of armies of the United States in the field." It had been prepared by Dr. Francis Lieber and established by President Lincoln. Hunter called Montgomery's attention to certain sections of the order "in view of the questions which have heretofore surrounded the employment of colored troops . . . to give our enemies (foreign and domestic) as little ground as possible for alleging any violation of the laws of civilized warfare . . ." He ordered Montgomery to "avoid any devastation which does not strike immediately at the resources or materials of the armed insurrection . . ." The General further outlined specifically what Montgomery could take and/or destroy, "but the destruction of crops in the ground,

⁵⁸ Edward L. Pierce to Charles Sumner, June 18, 1863, and Thomas Wentworth Higginson to Charles Sumner, June 20, 1863, quoted in Willie Lee Rose, Rehearsal for Reconstruction: The Port Royal Experiment (New York: The Bobbs-Merrill Company, Inc., 1964), p. 253.

⁵⁹ New York Tribune, June 24, 1863; Boston Commonwealth, July 3, 1863; Beaufort Free Press, July 18, 1863.

which may not be fit for use until the rebellion is over . . . you will not engage in without mature consideration." Hunter concluded his instructions to Montgomery by advising him that "it will be both right and wise to hold the troops under your command to the very strictest interpretation of the laws and usages of civilized warfare All household furniture, libraries, churches, and hospitals you will of course spare."⁶⁰ Whether or not Montgomery received these orders from Hilton Head Island before he left St. Simon's Island for Darien is not known. It is clear, however, that pressure from many sources resulted in more "civilized warfare" and less "jayhawking" in the Department of the South.

On June 13, David Hunter was removed from command of the Department of the South. Even though Lincoln did not give a specific reason for the change, the General believed his removal came because of his views concerning the use of Negro troops. If Hunter was correct, General Quincy A. Gillmore, his replacement, must have also disappointed Lincoln. Two days after General Gillmore took over the Department of the South, he made preparations to turn the western bushwhacker loose on Georgia, making raids to keep the Confederate troops in that area busy. Colonel Montgomery later evaluated Gillmore as "cold blooded, selfish, and inhuman. He would not have thought his 'stars' too dearly bought, at the cost of 300,000 lives. But on the contrary, would have prized them just in proportion to the blood they

⁶⁰ David Hunter to James Montgomery, June 9, 1863, United States Department of War, Official Records, Ser. i, Vol. XIV, pp. 466-467.

had cost."⁶¹ Colonel Shaw believed, however, that General Gillmore was "anxious to second him [Montgomery] in every way with the exception of the burning business."⁶²

Hunter had promised Montgomery a brigadier general's position, but the influence of those who were fearful that Montgomery's tactics would bring dishonor on the black troops stopped any such move from materializing. Hearing that a brigadier general was to be appointed by Stanton to command the black regiments in the Department of the South, Governor John Andrew of Massachusetts quickly advised the Secretary of War that "Higginson, the senior colonel of the brigade, although a brave and chivalrous gentleman of high culture, has never seen much service, and never any in the field until he went to South Carolina." The Governor then turned his critical pen to Montgomery who he believed was "a valuable man and very useful as a good bushwhacker, . . . [but] hardly a competent brigadier I beg for a brigade commander, . . . who shall not by his own deficiency peril the reputation of the troops who are under his orders."⁶³

The North was not yet ready for Montgomery's brand of western

⁶¹James Montgomery to George L. Stearns, June 18, 1864, Stearns Papers, Kansas State Historical Society.

⁶²Robert G. Shaw to John A. Andrew, June 22, 1863, in "The Burning of Darien, Georgia," Harpers Weekly: A Journal of Civilization, September 3, 1863, Vol. XIV, No. 714, p. 563; Quincy A. Gillmore to Henry W. Haller, June 15, 1863, United States Department of War, Official Records, Ser. i, Pt. 2, Vol. XXVIII.

⁶³John A. Andrew to Edwin M. Stanton, June 29, 1863, United States Department of War, Official Records, Ser. iii, Vol. III, p. 424. Governor Andrew recommended Brigadier General Francis C. Barlow for the position.

warfare. Only after "civilized warfare" had drained the lifeblood from thousands of Americans, both black and white, did the North support William Tecumseh Sherman's march from "Atlanta to the sea."

Sherman, like Montgomery, was born in Ohio. Also like Montgomery, he went to Kansas Territory to make a living. In 1859, on the day Montgomery was making a speech in Lawrence, Kansas defending his jayhawking expeditions in Linn and Bourbon counties, Sherman was in Leavenworth, Kansas writing a letter of application for a commission as notary public. The effectiveness of Montgomery's tactics in Kansas was not lost on "war is hell" Sherman who ended his famous march less than fifty miles from Darien, Georgia.

More in keeping with nineteenth century concepts of civilized warfare, Major General Gillmore's plan for the seige of Charleston consisted of a three-pronged approach. Colonel Higginson was to lead an expedition up the Edisto River to destroy a bridge on the Charleston and Savannah Railroad to cut off reinforcement from that direction; Brigadier General Alfred H. Terry's Division was to make a diversionary demonstration on James Island; and General Gillmore's real attack was to be made on Morris Island with the ultimate objective of capturing Batteries Wagner and Gregg on the northern tip of the island. Following the raid on Darien, Georgia, Montgomery had been ordered from his headquarters on St. Simon's to St. Helena Island near Beaufort. Colonel Montgomery now commanded the Second South Carolina Volunteers along with the Fifty-Fourth Massachusetts and the Third United States Colored Troops. These companies comprised the Fourth Brigade of

General Terry's Division.⁶⁴

The steamers, Chasseur and Cossack, carried Montgomery's brigade to Stono Inlet, a rendezvous for Terry's Division off the southern tip of Folly Island. During the middle of the day, on July 11, Montgomery's "Colored Brigade" landed on James Island and set up brush shelters on the furrows of an unused field. The diversionary action by Terry's Division proved the most successful part of the three stage operation. General Pierre G. T. Beauregard, the Confederate, believed that an attack on James Island would be most detrimental to the safety of Charleston. General Beauregard placed the bulk of his men on James Island at the expense of the fortifications on Morris Island. The Union forces struck Morris Island on July 10, and made an unsuccessful attempt to take Battery Wagner on July 1. On James Island, Montgomery's brigade faced its worst attack July 16. Officially a part of Montgomery's brigade, the Fifty-Fourth took orders directly from General Terry. The Confederate attack was blunted and slowed by pickets of the Fifty-Fourth Massachusetts. During their first real face-to-face contact with the enemy on the field of battle, they held the combat line quite successfully. Montgomery's Second South Carolina regiment took their position quickly but were not near the enemy's rifle fire, although within range of heavy artillery. Casualties in General Terry's Division fell most heavily on the Fifty-Fourth Massa-

⁶⁴ Quincy A. Gillmore, Special Order No. 399, July 6, 1863, United States Department of War, Official Records, Ser. i, pt. 2, Vol. XXVIII, p. 15, see also pp. 62, 74-75; Ibid., Quincy A. Gillmore to Henry W. Halleck, February 28, 1864, pt. 1, pp. 8, 10.

chusetts with fourteen enlisted men killed, seventeen wounded and twelve missing.⁶⁵

That night, General Terry's Division received orders to evacuate the island. Montgomery's brigade retired by the land route. After crossing the bridge leading from James Island, which they destroyed, the black troops marched along slick narrow paths, through dismal swamps, in a driving rain with heavy clay clinging to their weary feet. Finally arriving at Cole's Island on June 17, the men halted about 5 a. m. on a beach across from Folly Island. Short of water, food, and sleep, the troops were tormented by the burning heat of the noonday sun. That evening, the brigade began boarding the General Hunter by using a leaky longboat that held only thirty men at a time. The rains returned to impede the loading process further and many of the men waited in the drenching rain most of the night. They had orders to join the major attack on Morris Island. Following a short trip to Folly Island, the men marched across the island northward toward Morris Island. After boarding another steamer on July 18, the brigade reached Morris Island that evening.⁶⁶

Before the Charleston siege, Colonel Shaw received word that the Fifty-Fourth Massachusetts would not be in the Morris Island operation. Eager to prove the fighting ability of his Negro troops, the Colonel

⁶⁵ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 53. W. W. H. Davis to Adrian Terry, July 31, 1863, United States Department of War, Official Records, Ser. i, pt. 1, Vol. XXVIII, p. 586.

⁶⁶ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, pp. 63-66.

quickly expressed his regrets to Brigadier General George C. Strong, who commanded the assault on Morris Island. Reflecting once more his distaste for Montgomery's type warfare, Shaw told General Strong that his men were "capable of better service than mere guerilla warfare, and I hope to remain permanently under your command."⁶⁷ Upon arrival at Morris Island, Colonel Shaw immediately reported to General Strong for duty. A daylong bombardment of Battery Wagner had been underway and an immediate assault was planned on the strongly built, heavily fortified, and strategically located earthwork. Knowing the capability and determination of Colonel Shaw, General Strong gave him the opportunity to lead the assault on what was considered "the strongest single earthwork known in the history of warfare."⁶⁸ Colonel Shaw had every reason to refuse the offer because of the condition of his men resulting from their experiences during and since their last battle on James Island. Yet, the offer was eagerly accepted. During the assault, one hundred fifty-eight men were wounded and Colonel Shaw, along with two other officers, and nine enlisted men were killed. The story of this "one gallant rush" won immortality for Colonel Shaw and the Fifty-Fourth Massachusetts. In a broader sense the Pyrrhic victory helped to silence the debate in the North concerning the use of Negro troops. But, questions concerning equal pay, equal military assignments, and the position Lincoln should take concerning their treatment as prisoners of war by the South remained unresolved. Serving as a

⁶⁷ Ibid., Robert G. Shaw to George C. Strong, July 6, 1863, p. 49.

⁶⁸ Ibid., p. 70.

reserve brigade for the assault, Montgomery and the Second South Carolina Volunteers were brought to the front lines, but further efforts were abandoned and the men were withdrawn.⁶⁹

Hopes for an easy victory over Batteries Wagner and Gregg faded and the hard work of preparing for a siege began. The black regiments of Montgomery's brigade spent most of their time from July 7 to January 29, 1864 digging a series of trenches, building large artillery positions, and doing other types of fatigue duty. A disproportionate amount of heavy labor was often assigned to the Negro regiments. Captain Charles P. Bowditch frequently told of the duties of the Negro troops on Morris Island.

The negroes are kept at work digging trenches, hauling logs and cannon, loading ammunition, etc. . . . We were set to work unloading sand bags and placing them on the fort where they were laid under the direction of the Engineers. . . . They keep us at work pretty steadily. I have been on fatigue duty about thirty hours out of the last seventy Heretofore once or twice the details for fatigue work have been ordered to lay out camps, pitch tents, dig wells, etc. for white regiments who have lain idle until the work was finished for them.⁷⁰

This unequal distribution of fatigue duty became less justifiable after the black brigades proved themselves in battle. A directive from

⁶⁹ The story of this assault is well told by Peter Burchard, One Gallant Rush: Robert Gould Shaw and his Brave Black Regiment (New York: St. Martin's Press, 1965); These topics are discussed in Dudley Taylor Cornish, The Sable Arm: Negro Troops in the Union Army, 1861-1865 (New York: Longmans, Green and Co., 1956); Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 87.

⁷⁰ Letters dated August 17, 1863 and September 15, 1863, "War Letters of C. P. Bowditch," Massachusetts Historical Society Proceedings, Vol. LVII (1923-1924), pp. 431, 434.

the War Department in June, 1864 ordered

the practice which has hitherto prevailed, no doubt from necessity, of requiring these troops to perform most of the labor of fortifications, and the labor and fatigue duties of permanent stations and camps, will cease, and they will only be required to take their fair share of fatigue duty with white troops. This is necessary to prepare them for the higher duties of conflict with the enemy.⁷¹

Batteries Wagner and Gregg capitulated on September 7, and full scale operations against Fort Sumter and Charleston began. General Gillmore's plan of operation succeeded in spite of Colonel Higginson's unsuccessful efforts to destroy a portion of the Charleston and Savannah Railway. The General commended the men and reminded them that their efforts had achieved "undisputed possession [of] the whole of Morris Island; and the city and harbor of Charleston lie at the mercy of your artillery from the very spot where the first shot was fired at your country's flag and the Rebellion itself was inaugurated."⁷²

With Charleston and its harbor thus secured, General Gillmore was eager for the Department of the South to launch another campaign that would bring credit to the department. It would take more men than he had in the department to finish the task of taking Charleston, but only a few were needed to continue the siege. His interest shifted south to Florida. From the beginning of the war, the possibility of

⁷¹Secretary of War Orders No. 21, June 14, 1864, United States Department of War, Official Records, Ser. iii, Vol. IV, p. 431.

⁷²Letter dated September 15, 1863, quoted in Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 127.

bringing Florida back into the Union had looked favorable. Surrounded by water, gifted with excellent navigable rivers, and drained of military manpower, Eastern Florida could be taken by the Union at will. Earlier, General Hunter and General Saxton had similar ambitions but they were thwarted. Now Lincoln's proclamation of December 8, 1863, declaring pardon and amnesty for all who would take a loyalty oath to the Union, gave the Florida project a new life.

A few days after Lincoln's proclamation, General Gillmore briefly outlined the objectives of such an expedition to Major General Henry W. Halleck, General-in-Chief. Gillmore did not reveal to Halleck any political objectives but appealed to military logic by insisting that the army should "operate in Florida and recover all the most valuable portion of that area, cut off a rich source of the enemies supplies, and increase the number of colored troops."⁷³ Within a week, General Halleck had secured permission from the Secretary of War for Gillmore's plan and gave the General full authority to proceed after "making secure the positions you already hold in front of Charleston."⁷⁴ On January 12, 1864, Battery Wagner had been officially taken over by the Union forces. At about the same time, General Gillmore removed his headquarters from Folly Island to Hilton Head, placed General Terry in command of the Northern District from Charleston to St. Helena Island, and Colonel W. W. H. Davis assumed command of Morris

⁷³Quincy A. Gillmore to Henry W. Halleck, December 15, 1863, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 292.

⁷⁴Ibid., Henry W. Halleck to Quincy A. Gillmore, December 22, 1863, p. 292.

Island.⁷⁵

General Gillmore's interests in Florida were expanded after he received a letter from Lincoln in which the President made it clear that he expected the General to bring Florida into the Union "in the most speedy way possible, so that when done it will be within the range of the late proclamation on the subject."⁷⁶ Florida, in the Union by convention and election time, would enhance Lincoln's re-election chances by showing the workability of his reconstruction plan and how effectively some of the Southern states were under control of the Union army.

During this operation, Montgomery's Brigade consisted of the Second South Carolina Volunteers, redesignated as the Thirty-Fourth United States Colored Troops; First North Carolina Volunteers, redesignated as the Thirty-Fifth United States Colored Troops; Third and Fourth South Carolina Volunteers; consolidated and redesignated the Twenty-First United States Colored Troops, and the Fifty-Fourth Massachusetts. This Colored Brigade reported to General Truman Seymour on Hilton Head, January 28, 1864. When the brigade rendezvoused on Hilton Head at the Pope Plantation, the Eighth United States Colored

⁷⁵Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 146; W. W. H. Davis, General Order No. 1, January 9th, 1864, Montgomery Papers, Kansas State Historical Society.

⁷⁶Abraham Lincoln to Quincy A. Gillmore, January 13, 1864, quoted in Samuel Jones, "The Battle of Olustee, or Ocean Pond, Florida," Battles and Leaders of the Civil War (7 Vols., New York: The Century Co., 1884), Vol. IV, p. 76.

Troops were assigned to the Third regiment making Montgomery's Brigade even larger.⁷⁷

On February 4, General Gillmore reviewed the troops under Seymour's command and informed Montgomery and the other commanders of the operation. The plan now contained both military and political objectives. "First," General Gillmore explained:

I desire to bring Florida into the Union under the President's proclamation of December 1863; as accessory to the above, I desire, second, to revive the trade on the Saint John's River; third, to recruit my colored regiments and organize a regiment of Florida white troops; fourth, to cut off part of the enemy's supplies drawn from Florida.⁷⁸

Early the next day, seven thousand men began boarding twenty-eight steamers which carried them to the mouth of the St. John's River where they were met by the gunboats, Ottowa and Norwich which escorted the flotilla to Jacksonville. Landing at Jacksonville on February 7, General Seymour wasted no time in putting into operation his plan for separating East and West Florida. Leaving the Fifty-Fourth Massachusetts to protect Jacksonville, General Seymour moved west toward Baldwin led by Colonel Guy V. Henry's mounted Brigade. Three days later, the Confederate force under General Joseph Finegan were driven from the vicinity of Baldwin and Seymour moved on to Sanderson.

⁷⁷ Edward W. Smith, Special Orders, No. 31, January 28, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 461; Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 149.

⁷⁸ Quincy A. Gillmore to Truman Seymour, February 18, 1864, United States Department of War, Official Records, Ser. i, Pt. i, Vol. XXXV, p. 286.

Henry's Brigade continued on to Lake City, some sixty miles west of Jacksonville, where he met heavy Confederate resistance. Colonel Henry retreated to safeguard his men, mistakenly believing the enemy's force larger than his own. The historian for the Fifty-Fourth Massachusetts believed that this marked the turning point in the Florida expedition. Had Henry driven General Finegan's force back at this point, General Seymour might have reached the Suwanee River where a strong defense line was possible.⁷⁹

While the mounted force moved rapidly to the west meeting only scattered resistance from the Confederate Army, the Union infantry came up from Jacksonville. General Gillmore ordered Montgomery to send the Fifty-Fourth Massachusetts to Baldwin, leaving two companies in Jacksonville. Gillmore further ordered Montgomery to take three companies of the Second South Carolina Volunteers to Doctor's Lake or Green Cove. This diversionary tactic came too early in the campaign to be of any significance. The maneuver may have been more than just diversionary because provisions for the army were needed and General Gillmore knew of Montgomery's previous experiences in foraging up the St. John's. "You need to be under no apprehension about provisions," Gillmore assured Seymour, "I shall use three or four companies of Colonel Montgomery's regiment to scout up the river for two or three

⁷⁹ Ibid., Truman Seymour to John W. Turner, February 17, 1864, p. 296; Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, pp. 153-155.

days. You will push forward as far as you can toward the Suwanee River."⁸⁰ Montgomery's orders also instructed him to try to capture the Confederate pickets in the Doctor's Lake area.

Brigadier General Joseph Finegan immediately telegraphed General G. T. Beauregard for reinforcements when General Seymour's troops landed at Jacksonville. By February 13, the Confederate forces gathered to oppose the Union attack numbered about 4,600 infantry, 600 cavalry, and three field batteries consisting of twelve guns.⁸¹

General Gillmore met with General Seymour at Jacksonville and told him not to advance so far to the west when there was a prospect of incurring a heavy loss. Seymour was also instructed "that the places to be permanently held for the present would be the south prong of the Saint Mary's, Baldwin, Jacksonville, Magnolia, and Palatka A raid to tear up the railroad west of Lake City will be of service, but I have no intention to occupy that part of the State,"⁸² Four days after Gillmore left Jacksonville for Hilton Head, Seymour informed his commanding general that he would move to the Suwanee River "with the object of destroying the railroad [and]

⁸⁰ Quincy A. Gillmore to Truman Seymour, February 10, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 473; Ibid., W. L. M. Burger to James Montgomery, February 11, 1864, p. 474; Ibid., Quincy A. Gillmore to James Montgomery.

⁸¹ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 157; Samuel Jones, "The Battle of Olustee, Or Ocean Pond, Florida," Battles and Leaders of the Civil War, Vol. IV, p. 77.

⁸² Quincy A. Gillmore to Truman Seymour, February 18, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, pp. 287-288.

I shall not occupy Palatka or Magnolia at this moment."⁸³ General Gillmore immediately dispatched a personal representative to Florida to stop the operation, but, by the time he arrived Seymour was engaging the enemy.⁸⁴

Montgomery's Brigade was scattered, but the First North Carolina Volunteers and the Fifty-Fourth Massachusetts provided the rear guard for General Seymour's wagon train headed for the Suwanee River. The Atlantic and Gulf Railroad ran out of Jacksonville almost directly west to cross the Suwanee. General Seymour's line of march ran close to this railroad through Baldwin where the Ferdandina and Cedar Keys Railroad crossed the Atlantic and Gulf Railroad, to Sanderson, to Olustee, to Lake City, and ultimately to the Suwanee River. Montgomery's Brigade arrived at Barbers at 6 p. m. February 19, and bivouacked in the woods along with Seymour's expedition, which consisted of approximately 5,500 men. The next morning, the expedition moved out of Barbers, leaving two companies to guard the town. The Fifty-Fourth Massachusetts followed along behind the First North Carolina singing "We're bound for Tallahassee in the morning."⁸⁵ There was seemingly no rush as the rear guard took a short rest every hour and traveled the nine miles from Barbers to Sanderson in five hours. The people of Sanderson informed the Union force that a strong Con-

⁸³ Ibid., Truman Seymour to Quincy A. Gillmore, February 17, 1864, p. 284.

⁸⁴ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 157.

⁸⁵ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 159.

federate Brigade was ahead and predicted defeat for General Seymour.⁸⁶

General Finegan had been fortifying Olustee, the only place in the area where the geography lent itself to the purpose. However, it was necessary for Finegan to draw the enemy to the position from a specific direction. To achieve this aim, the Confederate General sent a detachment of cavalry to attract the Union force to Olustee. The battle of Olustee, or Ocean Pond, did not take place at Olustee as Finegan planned, but on level ground in an open pine forest east of the town. There was no geographic advantage for either side.⁸⁷

When the battle began about 2:30 p. m., Montgomery's Brigade was resting in the shade about two miles from the main force. Hearing the musketry firing and then cannon fire, or "home-made thunder," one of the men in the brigade remarked, "I don't mind the thunder if the lightning don't strike me!"⁸⁸ Montgomery believed that "it might be a demonstration intended by the enemy to draw us away from the train."⁸⁹ His first reaction was to place his brigade in a protective position and send a staff officer to General Seymour for orders. Not waiting for his return, Montgomery moved forward with the Fifty-Fourth and left the First North Carolina to guard the train. On the way to the battle line, the men marched double quick while shedding their knapsacks, blankets, and haversacks to lighten their load. Leading the way, Montgomery met

⁸⁶ Ibid., pp. 157-158; Truman Seymour to John W. Turner, March 25, 1864, United States Department of War, Official Records, Ser. i, Pt. 4, Vol. XXXV, p. 288.

⁸⁷ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 159.

⁸⁸ Ibid., p. 162.

⁸⁹ James Montgomery to P. R. Chadwick, March 15, 1864, United States Department of War, Official Records, Ser. i, Vol. LIII, p. 24.

the returning staff officer who carried orders for both regiments to join the battle. At the moment of Montgomery's arrival, the battle took a disastrous turn for the Union force. Riot, panic, and desertion swept the battlefield as General Seymour sent in regiment after regiment to be slaughtered.⁹⁰

The arrival of Montgomery's Brigade on the field of battle was spectacular. The Fifty-Fourth Massachusetts went in shouting their battle cry, "Three cheers for Massachusetts and seven dollars a month!" At the same time, their regimental band played "The Star Spangled Banner," and the "thrilling notes, soaring above the battles' gales, aroused to new life and renewed energy the panting, routed troops, flying in broken and disordered ranks from the field."⁹¹ The First North Carolina hit hard at the center of the line,

driving them into their rifle-pits, and then for half an hour the carnage became frightful. They had followed the rebels into the very jaws of death, and now Col. Reid found his regiment in the enemy's enfilading fire, and they swept his line. Men fell like snowflakes. Driven by this terrific fire, they fell back.⁹²

The Fifty-Fourth Massachusetts took the battle line to the right. General Seymour appealed to them to "save the army from complete and

⁹⁰ Ibid., Edward N. Hallowell to R. M. Hall, March 1, 1864, Ser. i, Pt. 1, Vol. XXXV, p. 315; Ibid., James Montgomery to P. R. Chadwick, March 15, 1864, Ser. i, Vol. LIII, p. 24.

⁹¹ Joseph T. Wilson, The Black Phalanx; A History of the Negro Soldiers of the United States in the Wars of 1775-1812, 1861-'65 (Hartford: American Publishing Company, 1890), p. 269.

⁹² Ibid., 269.

total annihilation."⁹³ Colonel Montgomery in no way tried to protect himself and moved freely among the troops. At one point, he noticed a heavy fire coming from the direction of the railroad and ordered his men to move forward shouting, "Fire to the left! Fire to the left!"⁹⁴

The "Colored Brigade" held the line until new lines were formed in the rear making for an orderly retreat. One observer reported that Montgomery's "Colored regiments had stood in the gap and saved the army."⁹⁵ Taking special notice of the Black soldiers at Olustee, the New York Herald told its readers:

The First North Carolina and the Fifty-fourth Massachusetts, of the colored troops, did admirably. The First North Carolina held the positions it was placed in with the greatest tenacity, and inflicted heavy loss on the enemy. It was cool and steady, and never flinched for a moment. The Fifty-fourth sustained the reputation they had gained at Wagner, and bore themselves like soldiers throughout the battle.⁹⁶

The bravery of Montgomery's Brigade was unquestioned but their casualties were high. Of the 5,500 men on the Union line, Montgomery's two regiments suffered eighteen percent of the men killed and wounded. A number of unnecessary casualties were sustained because the brigade was left unprotected during their own retreat from the field. They were either forgotten by their General, or more likely their sacrifice was

⁹³ Ibid.

⁹⁴ Ibid.; Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 166.

⁹⁵ William Wells Brown, The Negro in the American Rebellion: His Heroism and His Fidelity (Boston: Lee and Shepard, 1867), p. 221.

⁹⁶ Ibid., 224.

considered necessary for the safe retreat of the rest of Seymour's command.⁹⁷

Captain Luis F. Emilio, historian for the Fifty-Fourth Massachusetts, records that Montgomery tried to resolve the dilemma of retreating from the fields of battle "in his bushwhacking way." Major Henry N. Hooper, former commander of the Fifty-Fourth Massachusetts, was told by the men in his company that Montgomery said: "Now men, you have done well. I love you all. Each man take care of himself."⁹⁸ According to Emilio's account, Major Hooper countermanded Montgomery's order and rallied the men for a more orderly retreat. Colonel Edward N. Hallowell, commander of the Fifty-Fourth Massachusetts, stated that his regiment was ordered to retreat by Colonel Montgomery. The regiment then formed a new line on the right of a dirt road near the battlefield where they remained until after dark. Under cover of darkness the brigade retraced their steps, this time more quickly, to Barbers where they arrived about midnight.⁹⁹

General Finegan retired to Olustee and did not follow the retreating Union force. The last regiments to leave the battle area, Montgomery's Brigade spread the word that the enemy was not far behind as

⁹⁷ Truman Seymour, "Return of casualties in the engagement near Olustee, Fla., February 20, 1864," February 25, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 298.

⁹⁸ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 168.

⁹⁹ Ibid., Edward N. Hallowell to R. M. Hall, March 1, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 315.

they passed through Sanderson that evening. This incorrect information caused a general scramble as the shattered and scattered troops fled down the road toward Barbers. The morning sun revealed a sickening sight at Barbers. Joseph T. Wilson, one of the wounded black soldiers, left this description:

The wounded lay everywhere, upon the ground, huddled around the embers of fagot fires, groaning and uttering cries of distress. The surgeons were busy relieving, as best they could, the more dangerously wounded. The footsore and hungry soldiers sought out their bleeding and injured comrades and placed them upon railroad flats, standing upon the tracks, and when these were loaded, ropes and strong vines were procured and fastened to the flats. Putting themselves in the place of a locomotive,--several of which stood upon the track at Jacksonville,--the mangled and mutilated forms of about three hundred soldiers were dragged forward mile after mile.¹⁰⁰

Passing through Barbers, Montgomery's Brigade continued to McGirts Creek, halfway between Baldwin and Jacksonville, where the Fifty-Fourth Massachusetts remained for the night. The First North Carolina proceeded further to Camp Finegan, near Jacksonville. The next morning, the Fifty-Fourth was ordered back to Baldwin to help pull the flatcars loaded with the injured, and arrived, exhausted, at Jacksonville late the evening of February 22.¹⁰¹

The wounded, who had so cheerfully sang of reaching Tallahassee,

¹⁰⁰ Joseph T. Wilson, The Black Phalanx; A History of the Negro Soldiers of the United States in the Wars of 1775-1812, 1861-'65, p. 273.

¹⁰¹ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 174; Joseph R. Hawley to P. R. Chadwick, February 26, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, pp. 305-306.

were treated in the Jacksonville churches. Many of the wounded were placed aboard the hospital ship Cosmopolitan and quickly transferred to Beaufort, South Carolina, where they were met by Colonel Higginson, whose regiment had missed the Florida expedition because of sickness. The sight that greeted the Colonel made him quickly give up his disappointment of not getting to Florida. Thinking of his own soldiers, he wondered, "in view of what they saw, did they still wish we had been there? I confess that in presence of all that human suffering, I could not wish it."¹⁰²

After General Seymour's troops had returned to Jacksonville on February 22, Confederate General Finegan began a siege of that city. He reopened the railroad to within ten miles of Jacksonville and kept the city on constant alert with 8,000 men entrenched behind formidable earthworks.¹⁰³

The battle of Olustee, or Ocean Pond, was over, but an investigation by the Joint Committee on the Conduct of the War kept the issue alive until the fall of 1865. Montgomery's Brigade was completely cleared by General Seymour's testimony to the Chief-of-Staff. Seymour explained that

The colored troops behaved creditably--the Fifty-Fourth Massachusetts and First North Carolina like veterans. It was not in their conduct that can be found the chief cause of failure, but in the unanticipated yielding of a white regiment from which there was every reason to

¹⁰² Thomas Wentworth Higginson, Army Life in A Black Regiment, pp. 241-242.

¹⁰³ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 174.

expect noble service, and at a moment when everything depended upon its firmness.¹⁰⁴

The General also commended Montgomery, noting that he conducted his troops "with great personal intelligence and valor."¹⁰⁵ In addition to the weakness of the white regiment, Seymour believed that "the disparity in numbers was too great, and the defense too obstinate to permit of decisive results."¹⁰⁶

General Gillmore greatly disapproved of Seymour's actions, believing he had gone beyond the intent of his orders; "the ill-judged advance beyond the South Fork of the Saint Mary's River was in direct disregard of . . . instructions and the disastrous battle of Olustee its legitimate fruit."¹⁰⁷ Gillmore also corrected Seymour's report by highlighting the fact that there was no "disparity in numbers" and the "enemy did not fight behind intrenchments or any kind of defenses."¹⁰⁸ Pushing aside all of Seymour's arguments, General Gillmore surmised that "our forces appear to have been surprised into fighting, or attempting to fight, an offensive battle, in which the component parts of the command were beaten in detail."¹⁰⁹

¹⁰⁴ Truman Seymour to John W. Truner, March 25, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 290.

¹⁰⁵ Ibid., p. 289.

¹⁰⁶ Ibid.; Ibid., J. W. Forney, "In the Senate of the United States," March 2, 1864, p. 292.

¹⁰⁷ Ibid., Quincy A. Gillmore statement of November 1, 1865, p. 292.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

While the Gillmore-Seymour debate continued, Colonel Montgomery and his Third Brigade spent most of their time on picket duty in Jacksonville. In mid-March, General Seymour initiated efforts to expand the Union position around Jacksonville. One such operation involved re-establishing a strong military position up St. John's River at Palatka. Major General Patton Anderson, commander of Confederate forces in the area, believed this new operation to be "another attempt on the part of the enemy to advance into the interior of Florida and occupy the State."¹¹⁰ With the aid of well placed torpedoes in the St. John's between Jacksonville and Palatka and a build-up of troop strength in the area, the Confederates forced Colonel Barton to call for more men and guns to protect his position at Palatka. Montgomery's Third Brigade was ordered to reinforce Barton but due to the effectiveness of the Confederate's torpedoes, only one transport was available to carry the Thirty-Fourth United States Colored Troops to Palatka.¹¹¹

Montgomery's return to Palatka was almost as short-lived, although not as disastrous, as the March, 1863 expedition. On April 12, 1864, Palatka was abandoned because the number of troops needed to secure the area were not available. Brigadier General John P. Hatch, who re-

¹¹⁰ Patton Anderson to H. W. Feilden, May 14, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 370.

¹¹¹ Ibid.; Miscellaneous Circulars and Orders dated March 1, 12, 18, 24, 26, and 28, 1864, Montgomery Papers, Kansas State Historical Society; Truman Seymour to John W. Turner, March 9, 1864, United States Department of War, Official Records, Ser. i, Pt. 2, Vol. XXXV, p. 15; Ibid., W. B. Barton to P. R. Chadwick, March 31, 1864, Ser. i, Pt. 1, Vol. XXXV, p. 378.

lieved General Seymour of the command in Florida March 28, regretted "having to evacuate Palatka, as a number of the citizens who have shown Union sentiment will be forced to leave their homes."¹¹² With this annual ritualistic announcement, the Union forces once more evacuated the area. General Hatch knew that a massive withdrawal of Union soldiers from Florida would give the Confederate Army a chance to do the same. Some Union forces were left behind to make raids after the Confederates major forces left the state. Montgomery's Brigade was moved across St. John's River to Picolata. One brigade was left in Jacksonville and one regiment at Yellow Bluff and St. John's Bluff.¹¹³

Montgomery remained at Picolata for only two or three days since he had orders to take the Twenty-First and Thirty-Fourth United States Colored Troops to Folly Island. Due to a major reorganization of the command staff in the Department of the South during April, frequent changes in the assignments of brigades and regiments were common. Montgomery's Brigade spent no more than a week on Folly Island before being transferred north to Morris Island. Colonel Montgomery assumed command of Morris Island on April 21 and relieved of command three days later.¹¹⁴

¹¹²John P. Hatch to Quincy A. Gillmore, April 12, 1864, United States Department of War, Official Records, Ser. i, Vol. LIII, p. 103.

¹¹³Ibid.

¹¹⁴Ibid., Special Order No. 154 by Quincy A. Gillmore, Section III, April 13, 1864, Ser. i, Pt. 2, Vol. XXXV, p. 51; Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 188.

For the rest of his stay on Morris Island, Montgomery and the Twenty-First and Thirty Fourth United States Colored Troops were brigaded under Colonel William Gurney, and conducted operations against Charleston and Sumter. Morale of the black soldiers reached a new low, reflected by "sullenness and indisposition to promptly obey orders,"¹¹⁵ Congress had not yet resolved the unequal pay problem. In the Fifty-Fourth Massachusetts, which still held out for all or nothing, officers wounded two privates for disobeying orders. Brigadier General William Birney, in command of the Department of the South in the absence of Generals Seymour and Gillmore, made frequent complaints about the slowness of Congressional action. He believed that the great number of desertions in the department was due to the need of the men to take care of their starving families. He reported that Colonel Montgomery shot two men for desertion, but that it did not alleviate the situation. Birney suggested that the black soldier should be given a forty acre land bounty in addition to the equal pay. Inactivity also created an atmosphere of dejection and low morale. Captain Luis Emilio complained that "there was an utter stagnation of active operations in the department."¹¹⁶

In mid-May Montgomery moved the Thirty-Fourth United States Colored Troops to St. Augustine, Florida to relieve Colonel Noble, commander of the Seventeenth Connecticut Regiment. Brigadier General

¹¹⁵ Ibid., p. 190.

¹¹⁶ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 192; William Birney to W. W. Foster, April 12, 1864, United States Department of War, Official Records, Ser. iii, Vol. IV, pp. 226-227.

George H. Gordon, Commanding District of Florida, received the news of the change with great alarm. He abruptly sent a dispatch to Brigadier General Hatch, the new commander of the Department of the South, to explain "the injury I think this change will work . . ." ¹¹⁷ Gordon pleaded for Noble's retention:

A man of experience, a lawyer as well as a soldier, a statesman, and a gentleman. He has a regiment of white troops whose influence and whose presence is much more favorable to the government in winning back loyalty, settlers, and refugees than Colonel Montgomery with his colored regiment. I say nothing of posting regiments with black troops in St. Augustine, but with a matter of feelings with the inhabitants, but I think the act would be exceedingly injudicious and I very much wish Colonel Noble to remain in command East of the St. John's. I am reducing Chaos to order. ¹¹⁸

Montgomery left Morris Island, unaware that he was not wanted in St. Augustine. Under the circumstances, Gordon may have been correct in his assessment of the situation. Montgomery was also having difficulty in "reducing chaos to order." On the way to St. Augustine, Montgomery and his black regiment stopped at Hilton Head to pick up orders and supplies. The release from the boredom of Morris Island, plus the supply of women and whiskey at Hilton Head, caused near riot in Montgomery's command. The outbreak caught the Colonel by surprise. "The sight and conduct of the women had thrown them into such a state of excitement, bordering on mutiny, as I never

¹¹⁷ George H. Gordon to John P. Hatch, May 19, 1864, United States Department of War, Official Records, Ser. i, Pt. 2, Vol. XXXV, p. 95.

¹¹⁸ Ibid.

saw before, and hope never to see again,"¹¹⁹ Montgomery, the prohibitionist, blamed the "mutunious conduct" on the whiskey but still insisted that very few blacks were inclined toward intoxication. He swiftly gathered his regiment from the streets of Hilton Head, placed them aboard his transport and steamed away from the Island, the whiskey, and the women as quickly as possible. Once at sea, the troops were "as gentle as ever." Montgomery placed a few of them under arrest and reduced a sergeant in rank "for refusing to assist in quelling the disturbance."¹²⁰

When Montgomery arrived in St. Augustine on May 21, Colonel Noble refused to turn over his command to him. Noble claimed that he had not yet received orders through proper channels. It is more likely that General Gordon had insisted that he not give up his command until he received a response to his appeal to General Hatch. Colonel Noble retained his post and Montgomery was ordered to Tybee Island, South Carolina, where he preapred for a raiding expedition up the Asheppo River.¹²¹

One of Colonel Montgomery's favorite commanders, Brigadier General William Birney favored renewal of inland raids. "The negroes are now thick on the rice plantations," Birney maintained, "because we have not raided for a long time. It has been two years since any advance in force was made on the mainland and the planters are reassured. The

¹¹⁹ Ibid., James Montgomery to W. L. M. Burger, May 22, 1864, p. 100.

¹²⁰ Ibid.

¹²¹ Ibid.

field here is black for the harvest, and I wish to be in with my sickle."¹²²

About a month after General Birney suggested such an expedition, General Hatch ordered him to organize a force of 1,600 men to move inland and cut the Charleston and Savannah Railroad at Ashepoo, South Carolina. Steaming north from St. Augustine, Florida, Colonel Montgomery received orders on May 25, 1864, while at Fort Pulaski, Big Tybee Island, Georgia. General Birney directed that Colonel Montgomery embark his regiment on board the United States transport Boston and proceed to the mouth of the Ashepoo River. At that point, he "was to take a place in the line of transports, and follow in the wake of the transport immediately proceeding."¹²³ The transport, Edwin Lewis, directly ahead of Montgomery's steamer, had replaced the Mary E. Boardman which had gone aground. It was vital to the success of the mission that the officer in charge of the Edwin Lewis know where to disembark. No one on the Edwin Lewis knew the destination and, when the rest of the transports turned in the darkness of the night into a small creek, the Edwin Lewis and Boston passed on by. "On went the leader, and on went the led,"¹²⁴ Montgomery mused.¹²⁵

¹²² William Birney to C. W. Foster, April 12, 1864, United States Department of War, Official Records, Ser. iii, Vol. IV, p. 227.

¹²³ James Montgomery to William Birney, May 28, 1864, Montgomery Papers, Kansas State Historical Society.

¹²⁴ Ibid.

¹²⁵ Ibid.; Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1865, p. 193.

After passing several landings without finding the rest of the fleet, Montgomery's transport went aground on some pilings that the Edwin Lewis had passed over safely. The tide had already turned and the crew was unable to dislodge the steamer. The Edwin Lewis turned back after reaching further obstructions in the stream and returned to the stranded Boston and informed Montgomery that they were in the wrong stream. Montgomery dispatched a small gunboat to General Birney for assistance, but it also grounded not more than a mile from the Boston. When daylight broke, Montgomery discovered that he was about 300 yards from Chaptman's Fort with the transport in such a position that the enemy's guns commanded both sides of the hull,¹²⁶

Captain W. E. Earle in command of Chaptman's Fort, opened a heavy barrage on the disabled steamer. One of the first shells struck the steam-chest and after about one half hour the attack reduced the steamer to a complete wreck. The Edwin Lewis returned fire and was soon joined by three more steamers sent to Montgomery's aid by General Birney. Approximately an hour later, the Confederate batteries ceased firing because they were running short of ammunition. Until this time Montgomery's regiment was trapped aboard the transport. Under cover of fire from the other steamers Montgomery's men were transferred to the other transports, and he ordered that the Boston be set on fire.¹²⁷

Once the men were safely aboard other transports, the expedition abandoned its operational plans and returned to Hilton Head, arriving

¹²⁶ Ibid.; J. D. Twiggs to P. A. Haxall, May 27, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 400.

¹²⁷ Ibid.

there during the night and early morning of May 27 and 28. Thirteen of Montgomery's men were either killed or drowned and eighteen horses that were on the Boston were burned with the vessel.¹²⁸

Major General John G. Foster, who had taken over the command of the Department of the South on May 26, ordered a court of inquiry to investigate the incident and fix responsibility for the losses. The court placed the blame on Colonel Bailey, commanding the Ninth United States Colored Troops, but General Foster believed that General Birney's failure to take "necessary precautions" caused the disaster. Foster charged him with failing to post guards with the pilot to assure his compliance to orders, and failure to post a boat where the disembarkation was to take place in order to prevent what actually happened.¹²⁹

Montgomery did not like the new commander of the Department of the South. He was disgusted with General Foster because he did "not hesitate to express his want of confidence in Negro troops, and it is not in the nature of Negro troops to have confidence in him. I must be allowed to think such an appointment unfortunate in a department where the majority of the troops are Negroes."¹³⁰ Montgomery also believed that General Foster was not fond of General Birney and did everything

¹²⁸ James Montgomery to William Birney, May 28, 1864, Montgomery Papers, Kansas State Historical Society; John G. Foster to Henry W. Halleck, May 28, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 8.

¹²⁹ Ibid.; Ibid., June 6, 1864, pp. 8-9.

¹³⁰ James Montgomery to George L. Stearns, June 18, 1864, Stearns Papers, Kansas State Historical Society.

he could to "cripple him." Birney confided to Montgomery that General Foster had taken away his best troops and had not left enough men to carry out any successful campaigns.

Montgomery was not only displeased with General Foster, but with the selection of commanders for the Department of the South in general. His apprehension had become so great Montgomery could hardly trust himself to "speak, or write . . ." But he consoled himself in the fact that "for military men, there is no law for thinking." He thought "it would be well to send some old woman of good sound common sense to run . . . [the] department. Unless, indeed, it might be thought her services are more needed--Well, no matter where." He also allowed himself to think that "the commanders of this Department are selected by lottery from all the names in the hat."¹³¹ But, it was some consolation to Montgomery that this system resulted in a few good leaders, such as Generals O. M. Mitchell, David Hunter, and Alfred H. Terry. On the other hand, the worst of the lot was General Quincy A. Gillmore. Montgomery's thoughts concerning Gillmore have already been noted and the Colonel continued to plead, "God grant he may never come this way again."¹³²

General Birney returned to his command post at Jacksonville, Florida on June 5, and requested Montgomery's Thirty-Fourth and the Ninth United States Colored Troops from the Department of the South. Despite the problems on the Ashepoo River, General Birney was willing

¹³¹Ibid.

¹³²Ibid.

to exchange "any two white regiments now in this district,"¹³³ for Montgomery's regiments. However, Montgomery did not return to Jacksonville in July. During June, Montgomery took a much deserved rest at Beaufort, South Carolina. He attempted to catch up with his correspondence and recuperate from a severe asthmatic condition. His regiment, now a part of General Saxton's Brigade, remained on call for action at any moment. In mid-June Montgomery received sixty new recruits. He was concerned because they had never fired a gun and it was his responsibility to train them on the new Enfield rifles he had just received. Montgomery, an expert marksman himself, expected his men to match his skill. Before he had time to instruct the new recruits, orders were received by General Saxton to prepare "three and possibly four of your best regiments, including Colonel Montgomery's regiment"¹³⁴ for battle and report to Hilton Head for further orders. This was to be Montgomery's last active military engagement in the Department of the South.¹³⁵

Plans for the new operation were announced by General Foster at Hilton Head. Admiral John A. Dahlgren, who had always cooperated so

¹³³William Birney to W. L. M. Burger, June 5, 1864, United States Department of War, Official Records, Ser. i, Pt. 2, Vol. XXXV, p. 112.

¹³⁴Ibid., W. L. M. Burger to Rufus Saxton, June 28, 1864, p. 155.

¹³⁵James Montgomery to George L. Stearns, June 18, 1864, Stearns Papers, Kansas State Historical Society; James Montgomery Military Service Record, Medical Report of Paul D. Hanson, Surgeon Thirty-Fourth United States Colored Troops, July 18, 1864, General Services Administration, National Archives and Records Service.

willingly with the Department of the South, sought General Foster's assistance to counter a maneuver by the Confederate forces at Charleston, South Carolina. Desperate for funds, the Southerners made an all-out effort to ship cotton from Charleston. In order to facilitate this move, the Confederates prepared to attack Admiral Dahlgren's fleet in the Charleston area.¹³⁶

General Foster supported Admiral Dahlgren's operation by making another attempt to cut the Charleston and Savannah Railroad and in-trench his troops closer to Charleston. Once more called from his Florida post, General Birney received the task of destroying the rails near Adams Run by way of the North Edisto River. Montgomery's regiment of 370 men were a part of this 1,200-man expedition. General Hatch demonstrated against Charleston from John's Island across the Stono River and General A. Schimmelfennig's force moved on Secessionville on James Island and opened communications with General Hatch on John's Island.¹³⁷

General Foster sailed up the Edisto to Whitepoint where he landed General Birney with orders to destroy the railroad bridges over the South Edisto River, Ashepoo River, and as much of the trestlework between the two rivers as possible. During the early hours of July 3, General Birney's force encountered the enemy and drove him back about three miles. The Confederates retreated across King's Creek and destroyed the bridge. When Birney's men reached the creek, they were

¹³⁶ Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteers Infantry, 1863-1865, p. 198.

¹³⁷ Ibid.

greeted by shells from a Confederate battery on the other side of the creek. The only possible crossing Birney could discover was "swept by both a raking and flanking fire of the enemy's cannon."¹³⁸ Birney did not have enough artillery to protect his men while crossing the creek in a boat which Foster had "furnished him on wheels for emergencies like this."¹³⁹ General Foster reported Birney's statement that the creek was not crossed because "his men could not carry out the order."¹⁴⁰ Henry H. Moore, one of Montgomery's old friends now at Beaufort, informed the Colonel that the New South reported that General Birney did not cross King's Creek and take the Confederate battery because the General did not have confidence in his men.¹⁴¹ The number of lives that would be lost in the crossing concerned General Birney more than it appeared to concern General Foster.

For the remainder of this campaign, Montgomery shuttled from one front of action to another. The men under Birney's command, under orders from General Foster, jointed General Schimmelfenning's force on James Island. On July 4, Montgomery's regiment and the Seventh and Thirty-Fifth United States Colored Troops reinforced the lines of the Fifty-Fourth Massachusetts advancing toward Secessionville. After two days in the trenches on James Island, General Birney returned to his

¹³⁸ William Birney to W. L. M. Burger, July 13, 1864, United States Department of War, Official Records, Ser. i, Pt. 2, Vol. XXXV, p. 409.

¹³⁹ Ibid., John G. Foster, July 7, 1864, Pt. 1, p. 14.

¹⁴⁰ Ibid.

¹⁴¹ Henry H. Moore to James Montgomery, July 8, 1864, Montgomery Papers, Kansas State Historical Society.

command in Florida and Montgomery joined forces with General Hatch on John's Island. Reinforced by Montgomery's regiment, General Hatch repulsed an enemy attack in an engagement known as "Bloody Bridge." The historian for the Fifty-Fourth Massachusetts reported eighty-two killed and wounded by the Confederate force but General Hatch believed the "loss in these two attacks was trifling."¹⁴² Following the battle, "the object of the expedition being fully accomplished,"¹⁴³ General Hatch withdrew his forces and Colonel Montgomery returned to James Island. The next day, July 10, Montgomery's regiment returned to Beauford, South Carolina. Montgomery's most significant achievement following the Asheppo disaster was under General Hatch's command in the battle of Bloody Bridge, or Burden's Causeway. General Hatch commended Montgomery for his "skillful handling of troops and gallantry in action."¹⁴⁴

Once more, General Birney requested from General Foster the use of the Thirty-Fourth United States Colored Troops along with several other regiments to assist him in Florida. This time the request was honored. Montgomery had twenty-four hours to gather fifteen days' supplies for his regiment and be on board a transport which would take

¹⁴² John P. Hatch to W. L. M. Burger, July 12, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XXXV, p. 85.

¹⁴³ Ibid.

¹⁴⁴ Ibid., p. 86; Luis F. Emilio, History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry, 1863-1864, pp. 210, 212, 214; A. Schimmelfennig, Orders of July 7, 1864, Montgomery Papers, Kansas State Historical Society.

him from Beaufort to Hilton Head and, once more to Jacksonville, Florida.¹⁴⁵

What General Birney intended to do is not entirely clear. When he requested additional regiments, he informed General Foster that "these with my present force ought to be able to accomplish what is needed in Florida to take all south of the Santa Fe."¹⁴⁶ It appears that raids were planned and carried out to try once more to control the eastern part of Florida to the Suwanee River. Montgomery did not personally participate in any of the raids launched from Jacksonville because he had requested a sick leave to return to Kansas. However, Montgomery's regiment participated in numerous successful raids during the months of August and September. The Union force burned Baldwin, took Magnolia, and established a strong post at that point. Anticipating Montgomery's return to Jacksonville, General Hatch explained: "It was my intention to put Colonel Montgomery's regiment there [Magnolia] and have him bushwhack. He understands the business, and assisted by a company of Floridians, would do more to keep the enemy from taking the offensive than any other course I can suggest."¹⁴⁷ Montgomery never arrived at Magnolia, but his regiment, stationed there for some time, conducted raids which resulted in more black refugees, horses,

¹⁴⁵ William Birney to John G. Foster, July 30, 1864, United States Department of War, Official Records, Ser. i, Pt. 2, Vol. XXXV, p. 201; Ibid., W. L. M. Burger to E. E. Potter, pp. 200-201; Ibid., July 31, p. 202.

¹⁴⁶ Ibid., William Birney to John G. Foster, July 30, p. 201.

¹⁴⁷ Ibid., John P. Hatch to John G. Foster, August 22, 1864, p. 254.

wagons, and miscellaneous supplies, Lieutenant Colonel William W. Marple, Montgomery's second in command, became the permanent commander of the regiment after the Kansas Colonel's departure.¹⁴⁸

Just prior to leaving Beauford, South Carolina, Montgomery received a request from Edwin H. Grant who had served for a time in "Lane's Brigade." Grant offered his services as a surgeon to Montgomery's Brigade. It must have cheered the ailing Montgomery to read of the sustaining confidence others had in him. "I had rather follow your guidance than that of any other officer I am acquainted with," Grant confessed. "My experience in the campaign of 1861 has fastened upon my memory the name of James Montgomery as the man under whom . . . I had rather serve."¹⁴⁹ Montgomery could write with ease about war and business, but personal matters were seldom mentioned. He confided at one time to George Stearns, "An ordinary business document gives me little trouble, it is the familiar friendly style, that plagues me."¹⁵⁰ No doubt he wrote Grant and informed him of the proper channels to submit his request and made no mention of his own personal problems.

When Montgomery left the Department of the South on a thirty day sick leave, he had every intention of returning in a month or so, but

¹⁴⁸ Ibid.; August 4, p. 215; Ibid., "Itinerary of Military Operations, January 1, through November 13, 1864, Department of the South," pp. 36-37.

¹⁴⁹ Edwin H. Grant to James Montgomery, August 9, 1864, Montgomery Papers, Kansas State Historical Society.

¹⁵⁰ James Montgomery to George L. Stearns, June 18, 1864, Stearns Papers, Kansas State Historical Society.

he did not know then that the vigorous activity and the unhealthy climate had crippled his health to a point where only temporary recovery was possible. The surgeon that persuaded Montgomery to take a sick leave noted at the bottom of his report that "a change of climate is necessary to prevent permanent disability, if not loss of life."¹⁵¹ Prior to Montgomery's departure, James, his oldest son, joined him but remained behind when the Colonel left to rejoin the rest of his family in Kansas.¹⁵²

Montgomery's confidence in the black soldier was not misplaced. Many traditional fears concerning the blacks' usefulness in a white man's army were laid aside. In almost every respect the Negro regiments proved equal to if not superior to the white soldiers. In battle their highly disciplined ranks broke only under the most severe pressure. Perhaps they had more to fear from defeat in battle than did the white soldiers. In camp they were clean, orderly, sober, and, when mixed with white regiments, no reported racial conflicts. The black soldier recognized his own worth and, with just pride, insisted on equal pay for equal duty. The white commanders of Negro regiments stood proud as the northern press extended well deserved praise to their black charges. In fact, much of the criticism of Montgomery's jayhawking tactics came from those who feared the "uncivilized

¹⁵¹James Montgomery Military Service Record, Medical Report of Paul D. Hanson, Surgeon Thirty-Fourth United States Colored Troops, July 18, 1864, General Services Administration, National Archives and Records Service.

¹⁵²James Montgomery to George L. Stearns, December 10, 1864, Stearns Papers, Kansas State Historical Society.

war" methods used by the Kansas Colonel would bring discredit to the black regiments.

General Halleck, recognizing a major value of Montgomery's western bushwhacking tactics, attempted to use the Colonel's regiment as a means of diverting desperately needed Confederate troops away from the prime target of the Department of the South, Charleston, South Carolina. Montgomery's illness prevented his further participation in the war in the South after July 1864, but the methods he developed and used were continued even as he returned home to Kansas. Once there, he discovered General Price still threatened the Kansas-Missouri border.

CHAPTER IX

FINAL YEARS IN KANSAS

In the summer of 1864, Kansas bustled with activity. The war had brought prosperity in the form of government contracts for almost everything the plainsmen of Kansas could produce. Delivery of corn, oats, wheat, beef, and other supplies kept contractors busy. In addition to military demands, the Bureau of Indian Affairs contracted for thousands of dollars worth of goods to provide for the bare survival of the refugee Indians driven out of Indian Territory into Kansas. To deliver everything from blankets to farm implements, the Bureau of Indian Affairs hired hundreds of teamsters, wagons, and oxen. The policy of the Office of Indian Affairs was to purchase ninety days' supply at a time. In the spring of 1864, the agency contracted for 400,000 pounds of bacon, 10,000 bushels of corn, 6,000 yards of print. The price tag for these supplies delivered amounted to \$372,345. Transportation costs and high risk were major items in the cost of the supplies. A \$6.50 barrel of flour with insurance, freight, and storage costs added, ran the price to \$21.23.¹

When Montgomery arrived in Kansas during the first part of August

¹"Proposal for Indian Supplies," March 16, 1864, Letters Received, Southern Superintendency, 1851-1871, Office of Indian Affairs, National Archives, Washington, D. C.

1864 he soon discovered that raising crops for Uncle Sam was far more profitable than destroying them in South Carolina and Georgia. Corn was selling at \$1.50 in the field and Montgomery had 3,200 bushels for sale. Wheat sold for \$2.00 a bushel, but heavy rains and another raid by the Confederate General Price prevented Montgomery from producing more than twenty acres of wheat. Oats sold for the same price as corn, and prairie hay brought \$10.00 a ton in the stack. By December, Montgomery was convinced that "at these prices, farming pays better than fighting."² In addition to raising crops, Montgomery wanted to help George Stearns recruit more men for the Massachusetts regiments. He wrote Stearns asking what bounty Massachusetts paid on enlistment and told him if there was a chance for a profit on the operation, he would bring Stearns a "few recruits this summer."³ Whether sickness, profit, or both, Montgomery decided to give up his military career and retire to the peaceful life of farming.

Montgomery came back to Kansas on a thirty day sick leave but apparently his health did not improve and grew worse by the time his leave expired. On the day he should have returned to his command in South Carolina, he sent a letter of resignation and requested a discharge from the army, which he received September 23, 1864. By that time, his health had improved somewhat but, in Montgomery's words, "I had just got able to eat my breakfast at the table when Price's Raid

²James Montgomery to George L. Stearns, December 10, 1864, Stearns Papers, Kansas State Historical Society.

³Ibid.

brought everybody in Kansas into the field."⁴

On September 19, 1864, General Sterling Price made one last raid into Missouri to recruit, destroy Union military positions, and plunder the countryside. Coming in from Arkansas, with the intention of striking at St. Louis and Jefferson City, and finally retreating through Kansas and Indian Territory, Price met stiff resistance at Pilot Knob by General Thomas Ewing which resulted in heavy casualties and a costly delay. This stall allowed Union forces at St. Louis and Jefferson City to prepare for battle, causing Price to swing his forces quickly by these cities, arriving at Boonville, October 10, where he remained four days. After recruiting 1,200 to 1,500 men, he headed west for Kansas. As Price entered Missouri, reports reached Major General Curtis at Fort Leavenworth in Kansas that the Confederate General was headed in his direction. At that time, September 20, Curtis requested Governor Thomas Carney to notify the Kansas State Militia to be ready to cooperate with his army. The governor refused.⁵

The same political problems existed in Kansas in 1864, as had existed in 1861, and only a few of the partisans had changed. Political factions headed by Governor Carney opposed those headed by James H. Lane, Samuel R. Curtis, and James G. Blunt. On October 5, more re-

⁴Ibid.; James Montgomery to W. P. M. Burger, August 24, 1864, and Special Orders No. 317, War Department, September 23, 1864, James Montgomery Military Service Record, General Services Administration, National Archives and Records Service.

⁵Samuel R. Curtis to Henry W. Hallack, January, 1865, Department of War, Official Records, Ser. i, Pt. i, Vol. XLI, pp. 465-523; Ibid., William S. Rosecran to Lieutenant Colonel Christensen, pp. 307-317 passim.

liable reports about Price convinced General Curtis that Kansas was in danger, and again he asked the governor to call out the militia. Governor Carney and many other Kansans could not believe that the threat was real. They also believed that James Lane invented the whole situation in order to keep voters away from the polls during the November election. Again, Carney refused to cooperate, pending further information concerning Price. On October 9, the governor reluctantly called out the militia. Immediately General Curtis placed Kansas under martial law and ordered all able-bodied men to join some military organization.⁶

In Kansas, as in many other states, each county responded to the call by raising a regiment, and each township in the county supplied a company. Unfortunately, as a direct result of this arrangement, in numerous blood baths of the Civil War, whole counties suffered terrible losses of men. In Linn County, where Montgomery lived, the Sixth Kansas State Militia was headquartered at Mound City. The commander of this regiment was Colonel James Donaldson Snoddy. Editor and publisher of the Mound City Border Sentinel, he had been commissioned colonel of the Sixth Regiment by Governor Carney in June, 1864. Every Saturday morning, the colonel-editor would order each company in Linn County to spend a half day drilling. Montgomery joined Colonel Snoddy's Sixth Regiment when General Curtis ordered all men to enlist in a military organization.⁷

⁶ Ibid., Samuel R. Curtis to Henry W. Hallack, October 9, 1864, p. 471.

⁷ LaCygen Weekly Journal, March 8, 1895.

Governor Carney placed General George Deitzler in command of the State Militia, and by October 16, the general had stationed about 10,000 militiamen near the Missouri border and some 2,600 at other interior points. General Curtis divided his Army of the Border into two divisions, one commanded by General Blunt, and the other, consisting entirely of militia, under General Deitzler. Blunt's division was divided into three brigades under Colonel Charles R. Jennison, Colonel Thomas Moonlight, and Colonel Charles W. Blair. The Sixth Kansas Militia from Linn County brigaded under Colonel Blair, had as its immediate militia superior, Brigadier General Wallace H. Fishback. Blair's brigade consisted of the Fourteenth Kansas Volunteer Cavalry, the Fifth, Sixth, and Tenth regiments of the Kansas State Militia, the First Colorado Battery, and the right section of the Second Kansas Battery.

Political strife and incompetence plagued Colonel Blair's brigade. The brigade had been ordered to Hickman Mills, Missouri, near Kansas City, on October 13. By October 15, Colonel Snoddy, and others who were influenced by the Governor of Kansas, began to question whether Price actually anticipated raiding Kansas. Stories of a Lane trick began to emerge again. Colonel Snoddy requested permission from Blunt to return his regiment to Linn County. When his request was refused, Snoddy ignored Blunt and headed his men back toward Mound City. General Blunt quickly intercepted the regiment and placed both Snoddy and Fishback under arrest. A new election was held in the Sixth Kansas State Militia and the men selected James Montgomery as their new commander. The Sixth Kansas consisted of thirteen white companies

and two Negro companies. General Blunt had no further major political problems with his division except General Detzlier's refusal to allow the Kansas Militia to support Blunt's maneuvers in Lexington, Missouri against Price.⁸

Colonel Blair faced other problems in his brigade. He found the Fifth, Sixth, and Tenth Kansas State Militia "without substance, but partially armed, and with little or no ammunition."⁹ After receiving ample supplies at Westport, Missouri, Blair received orders to move on the west bank of the Big Blue River and there build fortifications in anticipation of a major battle with Price. After completing this task, his men were stationed in battle positions along a six-mile front with Montgomery's regiment somewhere in the middle. On October 22, the horses and supplies of the brigade were sent to Kansas City, "to avoid unnecessary encumbrances."¹⁰ Poised for battle, Blair received orders to retreat to Kansas City, where he lost part of his command during the confusion. The Colonel explained that "some officer, without my knowledge, carried off the residue of my brigade, and placed them so securely that I never found them until the next morning."¹¹ With horses, supplies, and a large part of his men

⁸David Hunter to Henry W. Hallack, January --, 1865, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XLI, pp. 464-523 passim; James Montgomery to George L. Stearns, December 10, 1864, Stearns Papers, Kansas State Historical Society.

⁹Charles W. Blair to George S. Hampton, November 25, 1864, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XLI, p. 597.

¹⁰Ibid.

¹¹Ibid., p. 598.

missing, Blair acknowledged a command from General Curtis to be ready to march to Westport at 3 a. m. the next day. "But it took the whole night to collect the horses, which by some blunder, had been sent across the Kaw, and, "Blair lamented, "while in discharge of this duty, I missed the chance of getting some hard bread for my men, a sort of grab game being played by the soldiers in its distribution."¹² During all this turmoil only Montgomery's regiment moved out of Kansas City on time and arrived at Westport ahead of the rest of the militia. Blair admitted, "I arrived shortly after the battle [at Westport] opened."¹³

When Montgomery arrived at Westport, his regiment was ordered by Thomas I. McKenny, aide-de-camp to Major General Curtis, to support and guard the right flank of Blunt's battle line. Both Blunt and McKenny made note in their reports of the promptness and gallantry of Montgomery's command "under a hot fire."¹⁴ Montgomery's son, John, also fought in the battle of Westport. John distinguished himself in the eyes of his proud father, who wrote that he "showed great steadiness of nerve and skill as a marksman."¹⁵ That night, Blair's men with a few horses reached Little Santa Fe about sunset. His men had not eaten for two days, were without rations, and most of their

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid., Thomas I. McKenny to G. S. Charlot, December 1, 1864, p. 538; Ibid., James G. Blunt to G. S. Charlot, December 24, 1864, p. 576.

¹⁵ James Montgomery to George L. Stearns, December 10, 1864, Stearns Papers, Kansas State Historical Society.

horses remained at Kansas City.¹⁶

All the next day, still without food, Colonel Blair's men marched to the Marais des Cygens where they awaited orders. The diminishing brigade awaited orders all night, in the rain, without food or shelter. Upon hearing the guns of battle, Blair finally took the initiative and led the remainder of his brigade into battle. Most of his men had already decided to go home, even before Blair's dismal display of leadership. Montgomery's regiment was the only major part of Blair's brigade that remained. Even Blair left his command and offered his services as an aide-de-camp to Major General Curtis. Montgomery continued as a part of Brigadier General W. H. M. Fishback's militia command where he fought against Price's men at the Marais des Cygnes, Mine Creek, Little Osage, and southeast of Fort Scott, "all of which were hard fought battles and victories gained for Kansas."¹⁷

After Price's Confederate force was driven into Arkansas, Montgomery returned to Mound City where he found a relieved family. Following the battle of Mine Creek, in sight of Montgomery's home, his wife and daughters had rushed to the field of battle in search of friends and relatives, "each hoping for the best, but fearing the worst."¹⁸ But now the long years of anxious waiting by his family

¹⁶ Charles W. Blair to George S. Hampton, November 25, 1864, United States Department of War, Official Records, Ser. i, Vol. XLI, p. 599.

¹⁷ Ibid., p. 600; Ibid., W. H. M. Fishback to John T. Morton, December 1, 1864, p. 522.

¹⁸ James Montgomery to George L. Stearns, December 10, 1864, Stearns Papers, Kansas State Historical Society.

were finished, James Montgomery's military career was over. Not forgotten by those under whom he served in repelling the Price raid, in the official reports of Curtis, Blunt, Blair, and Fishback, Montgomery was commended for his service, and Major General Curtis listed him on the "Roll of Honor" submitted to Major General Henry W. Hallack.¹⁹

With the exception of the birth of Nellie on September 8, 1865, the remaining six years of Montgomery's life were relatively uneventful. When Colonel Montgomery returned home on sick leave in August of 1864, his physician in South Carolina recommended a change in climate "to prevent permanent disability, if not loss of life."²⁰ Being physically unable to return to active duty, Montgomery made several attempts, including a trip to Washington, D. C., to get a government pension. Apparently the claim was not completely processed prior to his death in December, 1871. The change in climate did not cure him but only temporarily delayed the inevitable. Montgomery's ill health did not prevent him from supervising the work on his farm but he could not do the work himself. On special occasions, he served as a lay minister in Mound City, Fort Scott, Trading Post, and other

¹⁹ Samuel Ryan Curtis to Henry W. Hallack, January --, 1865, United States Department of War, Official Records, Ser. i, Pt. 1, Vol. XLI, p. 519.

²⁰ James Montgomery Military Service Record, Medical Report of Paul D. Hanson, Surgeon Thirty-Fourth United States Colored Troops, July 18, 1864, General Services Administration, National Archives and Records Service.

nearby churches.²¹

The church of his childhood and parents was the New England Congregational but as a young man he became a convert to the new Campbellite faith or Christian Church. During the last years of his life, he began to preach a new doctrine associated with the First Day Adventist Church. Montgomery referred to himself as a "soul sleeper" because he believed and advocated the doctrine that from the time of death to the Judgement Day the soul sleeps.²²

The Sunday before his death, Montgomery delivered a sermon near the scene of the May, 1858 Charles Hamilton raid and the resulting Marais des Cygnes massacre. Several old jayhawker friends of Montgomery were present that day, including Austin Hall, a survivor of the massacre who feigned death on the first round of shots. The theme of Montgomery's sermon related the accountability of communities, institutions, and nations to God's will. He tried to impress on his listeners that God's laws worked on nations as well as individuals. To make his point more forceful, he pointed to "brother" Austin Hall and asked him to recall a prophetic statement made by Montgomery at the time of the Marais des Cygnes massacre. The minister reminded Hall that he had said: "the remaining years of slavery could be counted upon the fingers of one hand, and in that period I would lead a host

²¹Ibid., Pension Records, completed form for "Invalid Army Pension," January 18, 1870, "Widow's Claim for Pension," January 15, 1872, and undated certified statement; Certified statements of Washington Blackburn, January 2, 1871, and James Montgomery, June 12, 1871, Montgomery Papers, Kansas State Historical Society.

²²A. T. Andreas, History of the State of Kansas, pp. 302-303.

of negro soldiers, dressed in the national uniform, in the redemption of our country and the Negro race from the curse of slavery."²³ Five years later, in May of 1863, Lincoln had made his Emancipation Proclamation and Montgomery was recruiting former slaves in the Department of the South. Not only had Montgomery seen slavery as an immoral national institution but also saw himself as one of God's responsible instruments used to eradicate the evil. Within the week, on December 6, 1871, sixteen days short of his fifty-eighth birthday, James Montgomery died at Fort Montgomery. He was buried on his farm that he fought so hard to keep, but his remains were later taken to the National Cemetery at Mound City.²⁴

Thus passed into history one of the most colorful figures of Kansas Territorial history. A. T. Andreas, the Kansas historian, left a warning to all would-be biographers of James Montgomery:

It is at present impossible, and ever will be to present an analysis of his character which will satisfy all classes of people. By his friends he ever has been and is now regarded as a brave, just, truthful, generous, honorable, "square," manly man; by his enemies he was and is regarded as a thief and murderer.²⁵

Statements left by both friends and enemies tend to justify Andreas comment but his complex character cannot be summarized by such a simple polarization. The abnormal times must also be considered.

William Ansel Mitchell, the historian of Linn County, recognized

²³Theodosius Botkins, "Among the Sovereign Squats," Kansas Historical Collections, Vol. VII (1901-1902), p. 434.

²⁴William Ansel Mitchell, Linn County, Kansas, pp. 29-30.

²⁵A. T. Andreas, History of the State of Kansas, p. 303.

the agonizing task of making value judgements in a time when different sets of moral codes were being tested. He concluded that:

The conditions in 1855 and early 1856 were such that every man was a law unto himself. Without even the shadow of authority, life was taken and property confiscated by the antagonistic elements. The social and political system was unique and peculiar to the country. It had but two phases at this time. If a man was opposed to making Kansas a slave state he was a free-state man, but if he did not contribute himself body and soul to that cause he was a bushwhacker with a capital B. There was no neutral ground.²⁶

But neither adversity nor Popular Sovereignty completely explain James Montgomery's motivation, for he was a unique individual. There are many ways he could have better pleased both friend and foe, but then he would not have been James Montgomery.

Montgomery's personal appearance, previously described, commanded much attention but it was the quality of his voice that usually called for added comment. Agreeable, pleasing, low, musical, effeminate, soft, smooth, and gentle were adjectives most frequently used, but the ability to persuade with well chosen words was Montgomery's most disarming weapon. He persuaded farmers, governors, slaves, and New England intellectuals to do his bidding. In battle, his calm voice often prevented disaster. His voice spoke out as a prophet of old forecasting God's will, and justifying the Kansas jayhawker's actions.²⁷

²⁶ William Ansel Mitchell, "Sketch of the Career of General Robert B. Mitchell," Kansas Historical Collections, Vol. XVI (1923-1925), p. 632.

²⁷ Detailed descriptions of Montgomery's physical appearance in numerous accounts to be quoted and cited in the remaining pages of this chapter.

Montgomery's words were forceful and clear but it was his actions that tested the validity of his words. Not one to turn the other cheek when smitten, he

was himself a smiter, and smote hard and often He could ride like an Indian and yell like one; he could shoot with either hand as rapidly as Bogardus and almost as accurately; he was fond of fighting, and the man did not live of whom he was afraid But he never swore an oath, or said an indelicate word; he called for a blessing on ever meal he ate, and carried the prayer of Old Ironsides: 'O Lord! thou knowest how busy I must be this day. If I forget Thee do Thou not forget me. March on!'²⁸

The jayhawker's business sometimes involved using a torch to destroy a town and whether his spiritual guardian forgot or not, his earthly friends and enemies found it difficult to forgive. "Montgomery's raids are dashing," Thomas Wentworth Higginson admitted

but his brigand practices I detest & condemn--they will injure these [black] people & make a reaction at the North. I never allowed such things are according to strictly military principles & it is perfectly easy to restrain the negroes; they are capable of heroic abstinence.²⁹

Higginson privately concluded, however, that Montgomery was not an immoral individual, "but a mixture of fanaticism, vanity, and genius."³⁰

Edward L. Price, charged with organizing the fugitive slaves at Port Royal, South Carolina was not as kind as Colonel Higginson:

I knew James Montgomery at beautiful So. Car. in 1863 when he had command of colored troops and I was [word indistinct] agent of the Treasury Dept. for Debt

²⁸ Holcombe, Return I, Sketch: The History of Vernon County Missouri, p. 219.

²⁹ Tilden G. Edelstein, Strange Enthusiasm: A Life of Thomas Wentworth Higginson (New Haven: Yale University Press, 1968), p. 286.

³⁰ Ibid.

of Land, and thought very ill of him. He was lawless and cruel. Had a negro shot as a deserter without court martial and when the poor fellow just conscripted and did not know what he was doing and ordered towns to be burned to the great indignation of Col. R. G. Shaw.³¹

Colonel Shaw's indignation has been previously noted.

On the other hand there were those who had heard much about the "fanatic" Montgomery prior to joining his regiment, and then discovered a different personality. Edward Drought, a member of Montgomery's Third Kansas Volunteers recalled:

From what I had heard of Colonel Montgomery, I had formed the idea that he was a rough frontiersman and that he would destroy everything in the enemy's country and show no quarter to prisoners; but to my great astonishment I found him to be one of the mildest and gentlest of men, never using language that could not be used with propriety in the presence of ladies and children, and at all times on the march instructing the officers and men that they must not take private property or disturb the homes of women and children. He was very much opposed to the use of intoxicating liquors He . . . addressed the company as to their duties as soldiers: said they had enlisted to support the laws and constitution of their country; they should be the last ones to break the law by either taking or destroying private property; that we must set our enemy a good example, by showing them that we were there to protect their property and enforce the laws of our country.

.
During the remainder of the fall and winter of 1861 I saw a great deal of Colonel Montgomery, and I must say for him that he was a model officer, and that was the opinion of all the men who served under him. A great many of the acts of other regiments were laid to Montgomery's command. Those charging Montgomery with being a marauder and border ruffian never met him and are certainly misinformed.³²

³¹ Edward L. Pierce to F. G. Adams, 10 September 1886, Montgomery Papers, Kansas State Historical Society.

³² Edward S. W. Drought, "James Montgomery," Kansas Historical Collections, Vol. VI (1897-1900), pp. 342-343.

Montgomery's defenders were many for they were not only justifying the Border Chieftan's actions but their own as well. On occasion, their memories failed them for the record shows that Montgomery and his men committed acts not sanctioned by the moral code of the times. There were Montgomery apologists with better memories who defended his seemingly rash acts with moral arguments. Edward R. Smith, a member of Montgomery's band and long-time friend, viewed the jayhawker as a good neighbor when "in taking up arms, did so for the single and sole purpose of protecting actual bonafide settlers in this part of Kansas Territory."³³ Smith also insisted that

When war between the states was declared, Captain Montgomery laid down his Sharp's rifle and Colt's revolvers, and positively refused to take any part in repelling the raids made upon Kansas by the border-ruffian element in Missouri, and refused to countenance any act that had even a tendency to disturb the peace between Kansas and Missouri, and as his reason therefor, declared: 'The election of President Lincoln gives to the free state people in Kansas the first administration of national affairs in sympathy with our efforts to make Kansas a free state, and I am opposed to doing anything that will embarrass this administration in its efforts for the protection of the loyal people.'³⁴

John Brown's favorable opinion of Montgomery has already been noted along with Montgomery's not always agreeable experiences with Brown. John Brown paid tribute to Montgomery by regarding him as the only true soldier among the prominent Kansans. "He understands my system of warfare exactly." Brown admitted, "He is a natural Chief-

³³Linn County Republic, October 4, 1901. Also reprinted Edward R. Smith, "How Quantrill Became An Outlaw," Kansas Historical Collections, Vol. VII (1901-1902), p. 215.

³⁴Ibid.

tain, and knows how to lead."³⁵ But Montgomery's close association with radicals like John Brown, James H. Lane, and Charles R. Jennison gave this moderate Border Chieftain a more unsavory reputation than he deserved. The most frequent mistake that historians of the Kansas Territorial period make in evaluating James Montgomery is classifying him, without distinction, with other more radical border ruffians. "He ought not to be so held," the historian of Bourbon County warned, 'for

he was a different kind of a man. Their lives [Brown, Lane, and Jennison] in no ways parallel. He was no coward, assassin, crank, fanatic, or murderer. 'He wore no knife to slaughter sleeping men.' His sincere desire was to see Kansas a free State. He was in sympathy and cooperation with the men who made Kansas a free State. He was an instrument of the men who were holding at bay that party and that principle which were attempting to force slavery upon Kansas. . . . He was of the Free State party who were 'holding the fort until the Republican Party could arrive.'³⁶

On occasion the eastern abolitionists who supported the Kansas jayhawkers questioned the over zealous acts of Brown, Lane, Jennison, and other extremists. George Stearns put the question of whether Montgomery should be classified with such men as Jennison and John E. Stewart to his agent George W. Collamore. The agent replied, "I will frankly say since my acquaintance with Col. Montgomery, I have seen nothing to induce me to believe he should be classed with the above named men. He has risen continually in my estimation and I am in

³⁵ Frank B. Sanborn, Life and Letters of John Brown (Boston: Roberts Brothers, 1885), p. 473.

³⁶ T. F. Robley, History of Bourbon County, Kansas to the Close of 1865 (Fort Scott: Monitor Book and Printing Company, 1928), p. 119.

hopes nothing will occur to lessen my respect for him."³⁷ Almost a year to the day after responding to Stearn's question, Collamore, who was mayor of Lawrence, Kansas, was smothered in a well where he was hiding during the Quantrill raid on that city.³⁸ A similar request by Dr. Samuel Howe for information from his agent in Kansas concerning the differences between John Brown and Montgomery brought the response previously quoted that began, "I think well of him [Montgomery] though he is very different from Brown."³⁹

Guilt by association plagued Montgomery's reputation. Even the notorious Missouri guerrilla, William Clarke Quantrill, born in Montgomery's home state of Ohio, fabricated a background implicating Montgomery. Quantrill used the following story, retold in the Kansas City Journal shortly after the Civil War, to justify his vicious acts and explain his change of loyalty from North to South.

Quantrill was originally a gold-seeker. Just before the war he and his brother started for California with a team. In Kansas they were met by Montgomery's band of freebooters and highwaymen, held up, and robbed. The brother was shot, the mules were stolen, and Quantrill was left for dead. He revived, joined the Montgomery band, and marked every one in it concerned in his brother's death, and picked them off one at a time. He rose high in Montgomery's confidence, and would take the opportunity, as he was sent out on raids with these men, to return with one or two missing. Finally all except two were dead, and Quantrill was Montgomery's lieutenant.

³⁷George W. Collamore to George L. Stearns, August 28, 1862, Stearns Papers, Kansas State Historical Society.

³⁸"The Lane-Jenkins Claim Contest," Kansas Historical Collections, Vol. XVI (1923-1925), p. 128n.

³⁹M. A. Young to Samuel Howe, April 23, 1860, Howe Papers, Massachusetts Historical Society, Boston.

In the fall of 1861, while this band was raiding all this part of the country, with headquarters in Kansas, Quantrill was sent to the Morgan Walker farm, two miles west of Little Blue church, to loot it. With him went three men, the two who remained of the marked ones, and one other. Quantrill left them in the brush, reconnoitered the place, and warned Walker. When the attack was made all except Quantrill were killed and he became a revenged man.⁴⁰

With the exception of the first sentence, every statement in the article was false. The fact remained, however, that the tale was generally believed by both Kansans and Missourians and influenced their opinions of James Montgomery.

Though well known on the Kansas-Missouri border and contrary to all outward appearances, Montgomery must have been a lonely man. The few days or weeks that he spent at home with his large and devoted family were spent catching up with work left undone and correspondence unanswered. He frequently had to hide on his own farm from pro-slavery enemies or the arm of the law itself. Montgomery seldom mentioned anything relating to his personal family life in his correspondence and those who knew the jayhawker left practically no information about his family. Presumably they had not heard Montgomery talk about his family. The great and near great men he associated with were less friends and more patrons. He was praised, honored, and admired by men and women alike. They gave him articles of clothing and made up poems and songs, such as the following, in his honor.

⁴⁰ Quoted in Edward R. Smith, "How Quantrill Became an Outlaw," Kansas Historical Collections, Vol. VII (1901-1902), pp. 214-215.

One morning bright, by early light,
 Word ran from youth to age,
 That Brocket then, with all his men
 Was on the Little Osage.

Chorus:

O, the Little Osage,
 The Little Osage,
 We'll fight the foe where'er they go,
 Upon the Little Osage.

Montgomery heard full soon the word,
 And came, the foe to engage,
 But they took flight, without a fight,
 From the Little Osage.

Chorus:

Every man of Montgomery's band
 Shall live on history's page,
 And Montgomery's name have deathless fame
 Upon the Little Osage.

Chorus:

The Fort Scott band tried to Command,
 But found birds hard to cage,
 When cannon was about, who would dig out,
 When taken from Little Osage.

Chorus:

Pro-Slavery men of every-den,
 Now fear Montgomery's rage,
 Who would not cease till he made peace
 Upon the Little Osage.

Chorus:

To free our land from a tyrant band,
 Our sires did once engage,
 And liberty does Montgomery
 Preserve on Little Osage.

Chorus:

SONG OF MONTGOMERY'S MEN
 (Air--Banks of the Rio Grande)

But these were public ritualistic performances rather than friendly personal encounters.

Saint or scoundrel, James Montgomery was a fanatic and like most fanatics that escape a violent death, he died without fanfare. In an obscure section of a new Kansas publication, Daniel Webster

Wilder, noting Montgomery's death, reminded his readers that James Montgomery's name had been a household word on the Kansas-Missouri border. In a simple but eloquent tribute the knowledgeable editor captured the essence of James Montgomery's elusive character.

He was perhaps the best sample of the Western Puritan the Kansas Conflict developed He was a fanatic, as all men are fanatics who put duty above expediency, who scorn ease and peace purchased at the price of a stifled conscience.⁴¹

Kansas proudly waves the jayhawk banner, a lasting, though questionable, tribute to James Montgomery.

⁴¹Daniel Webster Wilder, "Editors Corner," The Kansas Magazine, Vol. I (January-June, 1872), pp. 91-92.

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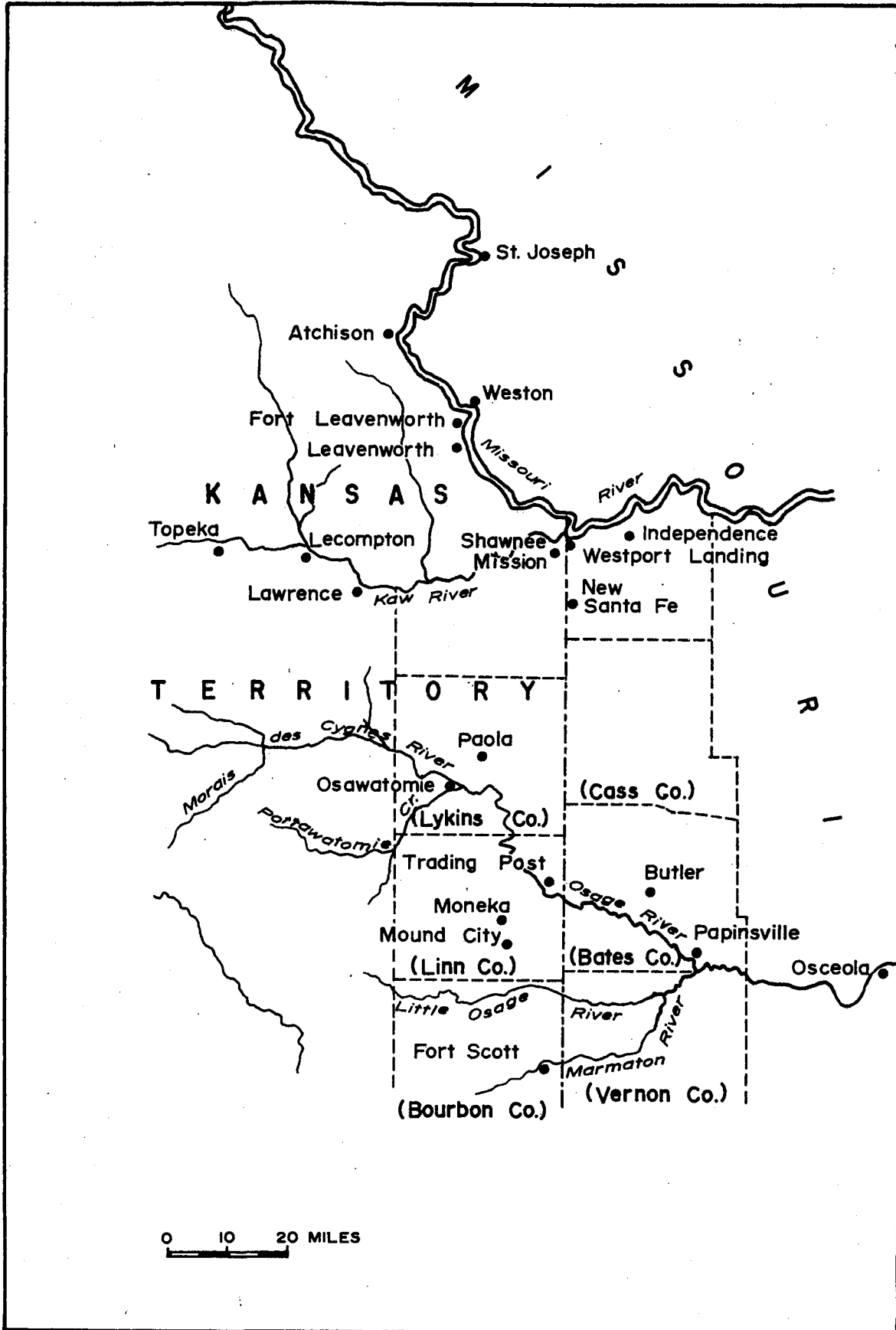
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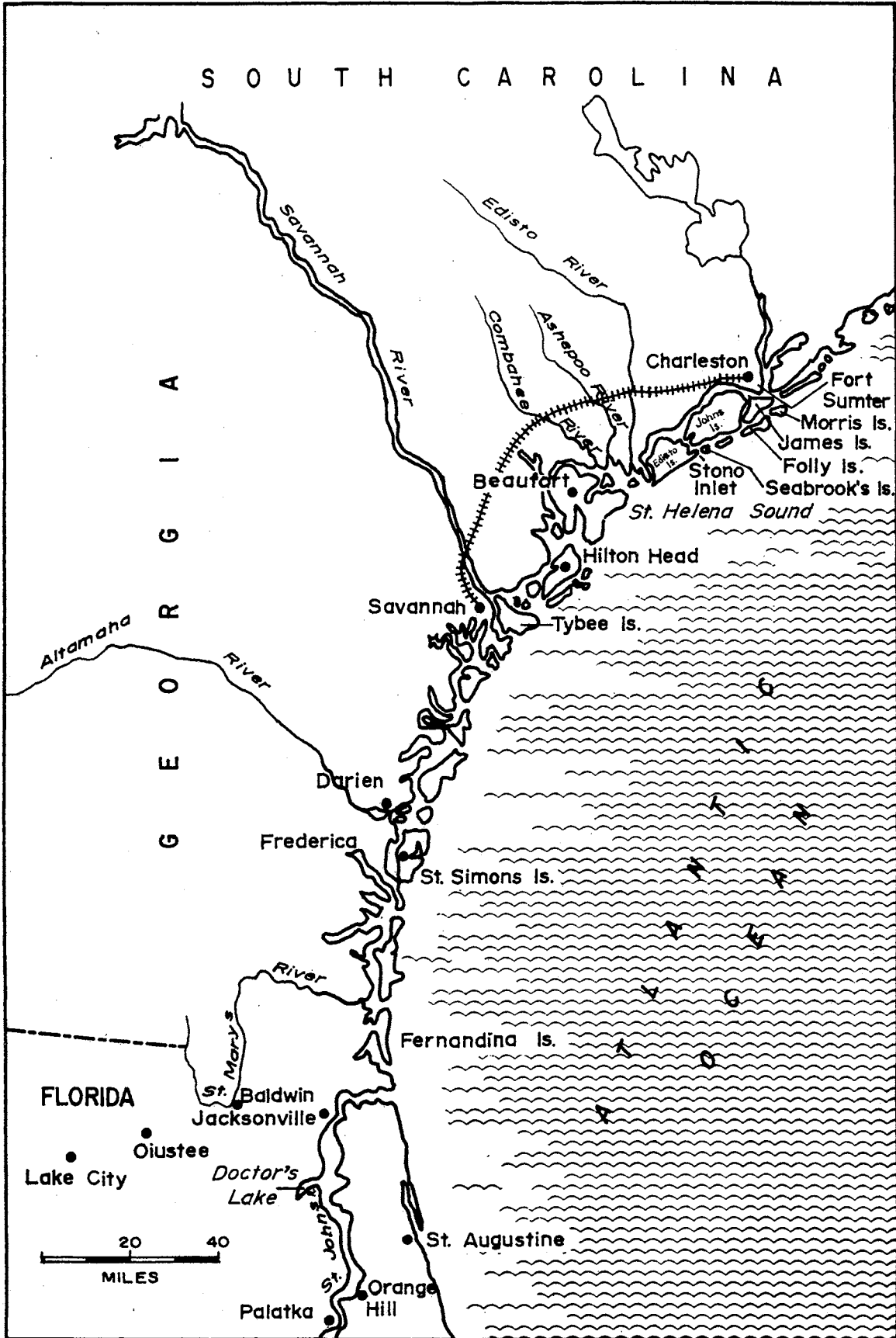
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A P P E N D I X





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